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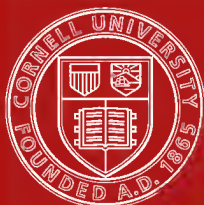
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PAX BRITANNICA

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A STUDY OF THE HISTORY OF BRITISH PACIFICATION

BY

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PREFACE

IN the following pages a synthesis is attempted of some of the more important facts and tendencies of British history, from the point of view of the pacific development of our civilisation. If not so familiar a theme as the "arms and the man" of the poets and panegyrists of war, it may well prove to be a more profitable and heartening one, not entirely lacking, either, in the elements of picturesque and romance. It is a far cry from the Heptarchy to modern England, from the blood-feud and trial by ordeal or combat to the Royal Courts of Justice and the Hague Tribunal, from the Roman Wall and Offa's Dyke to the Rush-Bagot Agreement, from the state of society under Ethelbert or Stephen to the state of society under Victoria or Edward VII. If, however, a clue be found by which we can trace an ever-advancing victory of order over anarchy, of tolerance and friendly co-operation over provincial hatreds, sectarian bigotry, and international rivalries, throughout these ages, the annals of our country will be read with a fresh interest, and with a heightened sense of their importance in relation to our modern life.

I believe that the time is ripe for some treatment of British History from the standpoint indicated in the title of this volume. Since John Richard

Green wrote the preface of his famous "Short History of the English People" over thirty years ago, "drum and trumpet histories" have at least become discredited, if they have not entirely ceased to appear. Closer attention has been given both to the moral and intellectual development of the people, and to their economic history; and the result has been a picture infinitely more truthful and informing than the old-time records of courts and camps.

One may look in vain, however—so far as I am aware—for any connected account of what has become a subject of paramount importance to the present generation, namely, the progress of our civilisation towards Peace. So great has become the burden of armaments—and still more heavy the burden of the fears, suspicions, and rivalries of the competing owners of these costly instruments—that the cry for "Peace" rises, like a mighty diapason, from the lips of kings and presidents and premiers, from chambers of trade and commerce, from the congresses of the toilers, and from the columns of the press. If a miners' strike or cotton-war be threatened, there is an instant demand for the healing treatment of conciliation and arbitration; not because "the fighting instinct" has gone out of human nature, but because the complex mechanism of modern society involves so wide a range of people in the consequences of an industrial struggle that self-interest compels a resort to the quicker and quieter methods of settling disputes, and experience has proved the efficiency of the instruments of pacification.

On the larger stage of international relations similar influences have been at work. The genius of Count Tolstoy marshalled the moral argument against war with a passion that has stirred men's consciences, a searching dialectic that leaves no motive veiled, and a style that charms even the deaf into hearing. A multitude of lesser writers has made known war's waste and futility. The miracles of modern science have eliminated the distances that used to separate mankind, and brought to every breakfast-table the facts upon which may be based a real understanding of war's origins, incidents, and fruits. Hence, in the phrase of Jean de Bloch, "the soldier is going down and the economist is going up." Along with the higher motives has been combined an appeal to the common-sense and business instincts of a commercial age, and it has been asked, do modern wars ever really *pay*, even if success be achieved? Does conquest bring gain to the conqueror, in these days of a sensitive credit economy, and of reacting bourses? Can the invader ever hope to recoup himself for his expenses, far less to carry off for his own enrichment the spoil of his rival's wealth? Has not the interdependence of modern life and commerce so revolutionised the conditions, that the doctrines upon which military expansionism and competition were formerly based have now become a "great illusion"?

In short, we are living in an age when the organisation of the world's life upon rational principles has at length become a possibility of thought and even of experiment. We have at the Hague not

only a Palace of Peace, but the beginnings of a World-Tribunal, and the faint adumbrations of a pacific international law and custom. When millionaires begin to embark their money in ventures for the world's peace, and the great organisations of workmen to assert their weariness of militarism and all its works, we have a shrewd augury of how the wind is blowing.

The growth of "Peace" sentiment into a large and influential body of public opinion cannot be said to have manifested itself decisively earlier than the first decade of the present century. Preparatory work there had been, indeed, for three generations before this—as the names of Channing and Noah Worcester, Elihu Burritt and Henry Richard, Cobden and Bright, Bertha von Suttner and Leo Tolstoy attest. Nearly two hundred successful appeals to arbitration had been made in international disputes by the end of the nineteenth century; and no eulogics can be too warm for the pioneers of civilised statecraft, into the fruit of whose labours the world is soon to enter. It is within the last decade, however (in the reign of Edward the Peace-Maker) that these new forces have at length been able to command a hearing and win a support which make them formidable. A new outlook upon the frets, worries, and rivalries of international life has been created—a clue out of the labyrinth of greed and hate in which the spirit of the nations has seemed to be imprisoned. Even though lawlessness and rapine still achieve occasional victories, and the "armed peace" lays burdens upon

the peoples almost too heavy to be borne, we know that the tide of conviction has turned, that a new faith has been born, and that the world of international relations will never again be exactly as it has been.

All this will be fortified and reinforced by an intelligent re-interpretation of history—for the light has long been there, though men saw it not. Properly defined, the “peace-movement” is nothing but the civilisation movement—the law - and - order movement. The abolition of the duel and of private war points the way to that of public war and international duelling. If common law and social order have proved necessary and beneficial for the United Kingdom and the United States, there is at least a strong presumption that they will prove beneficial for larger areas and wider relations. The castles of the feudal nobility have gone, and life and liberty have gained security along with the disarmament of the general population and the dismantlement of fortresses. The resort to law has proved a cheaper and surer road to justice than was the resort to war. *The history of our civilisation, in the light of this new conception, appears as a steady enlargement of the areas within which law and order reign supreme.*

We shall not find in the usual text-books of our schools and colleges an adequate recognition of the importance of these principles of development, or of the data upon which they rest. Which of them, for instance, has thought it worth mentioning (not to go further back for our examples) that the year which saw the downfall of Napoleon witnessed also the birth of the organised peace-

movement ; and that, two years later, Great Britain and the United States came to an agreement by which the disarmament of the Great Lakes and the peace of the Canadian frontier have been secured for nearly a century ? Yet these are facts of capital importance in the history of our country, of our empire, and of civilisation.

It is my strong conviction of the need of this fresh emphasis and perspective that has led to the issue of these chapters. It is, perhaps, a hazardous venture to offer to the public an interpretation of our national development which seems to challenge many current views, and which is bound to encounter some deep-rooted prejudices ; but I think the point of view taken in these pages, however inadequately set forth, can be well maintained, is in line with the convictions of many of our ripest thinkers, and needs no apologies on my part beyond an acknowledgment that the argument is worthy of higher abilities and a maturer learning than any to which I can pretend.

The various stages of national pacification here outlined are, for the most part, quite familiar to us under other names and in different guises. The struggle for civil and religious liberty ; the contests of "the predominant partner" with Ireland, Scotland, and Wales ; the progress out of tribal anarchy into feudalism, out of feudalism into monarchical and ecclesiastical despotism, and hence through revolution into a balance of the Estates and towards democracy—this is a story "familiar as household words." What is here attempted is a fresh co-

ordination of the materials of English history from a point of view which is new in history-books but vital in the thought and aspiration of this present age. The history of British development is a cherished possession of the whole world. Has it any message of hope and confidence for those who look out upon a world in arms—for a generation weary of the futilities but enchained by the shibboleths of “the Armed Fear”? I believe it has; and that the poet’s vision of an “increasing purpose” through the ages may be fortified by the historian’s record of our steady advancement out of the circle of violence into a more peaceful and co-operative type of society. Stained as are the pages of our history with the records of bloodshed and strife, the majestic advance of law and order illumines them, and is able to restore our faith in God and man. The history of pacification is, in reality, the history of the greatest and noblest of all wars—the crusade for a larger human fellowship, for a securer social order, and for the victory of moral over physical force in international relations.

The preparations for a celebration of the Centenary of Peace amongst English-speaking peoples appeared to make it desirable that the present volume, which closes with an account of Anglo-American relations, should be published without delay, though it constitutes only a portion of the narrative which I had hopes to complete.

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CHAPTER I

GEOGRAPHICAL AND RACIAL INFLUENCES

AT the dawn of its history an inhospitable and almost pathless expanse of forest and swamp, sparsely peopled by tribes little superior (if we accept the verdict of one of our Position of
Britain leading historians ¹) to the savages of Polynesia, Britain did not seem likely to become one of the world's most powerful instruments of civilisation. The last of the western conquests of Imperial Rome, she was the first to be abandoned by her conqueror, to be the prey of the Saxon pirates hovering about her eastern coasts. None foresaw the destiny that was laid up for these islands in the north-western sea. The tides of the world's life, which flowed full from the Levant to the Pillars of Hercules, barely touched the marshy shores of the Thames. All roads then led to Rome, not to London ; and the beginnings of our national history, in their long silences and their obscure and broken records, do but reflect the rude conditions that prevailed, and the slow and painful birth-pangs of a great people.

Looking back, however, from the vantage-ground of the twentieth century, it is not difficult to find, both in geographical and racial characteristics, an explanation of the rise of Great Britain to a fore-

¹ Macaulay, "History of England," I. i.

most place among the influential nations of the earth. The tide of trade and empire has moved westward. A larger command over the forces of nature has widened the area and shortened the delays of human intercourse. The Atlantic Ocean has usurped the place of the Mediterranean Sea as the chief theatre of the world's political and commercial traffic. A difficult and little-known land, at the extreme margin of the world, Britain could play but a small part amongst the nations of the ancient civilisation. But as soon as the round basin of the North Atlantic began to be the highway of ships, these islands advanced from the circumference to the centre of things. When Emerson visited this country fifty years ago, he wrote of it : " As America, Europe, and Asia lie, these Britons have precisely the best commercial position in the whole planet, and are sure of a market for all the goods they can manufacture." ¹

Our land has been endowed with a climate which, although the despair of the Latins, with their
 Climate and bright, clear skies, and a subject of daily
 Soil ironical comment amongst its own inhabitants, is more genial and temperate than usual in its latitude, and has the great merit of allowing, and even inducing, a maximum of outdoor life. The heat is not enervating, the wind and cold not so severe as to compel inaction. Her geographical position and natural advantages have made Britain great on the seas in the arts of war, greater still in the arts and influences of peace. With a rich and

¹ Emerson, " English Traits," 1856, p. 23.

productive soil ; vast coal deposits ; safe ports and harbours on every coast ; an easy ferry in Kent to the Continent ; her western and southern shores laved by the waters of the Gulf Stream ; containing the best ports of departure from the Old to the New World ; peopled by races of hereditary seamen ; not a spot in her territory more than a day's travel to the coast ; insulated yet not isolated by the waters that surround her ;—her destiny has been fulfilled as a nation of workmen and sailors ; as the carrier of the world's goods—its settlers, its justest laws and widest liberties—across the seas which are her natural highway and to which she has the readiest access, to the four quarters of the globe.

What is the main significance, in the history of mankind, of Britain's maritime efficiency ? What has it meant to the world that Britain became " Mistress of the Seas " ? It has brought with it, as every patriotic Briton knows, an Empire " on which the sun never sets " ; a dominion the area and magnificence of which the world has never, hitherto, seen. But to state this as it has usually been stated by historians and panegyrists is to tell but half the story of the British people and of British influence. The new world of international feeling and relationship in which we live in the twentieth century compels us to rewrite much of our history with a changed emphasis and perspective. The heir to the English crown has for long borne on his crest the prophetic motto " Ich dien," and our monarchy has become an office not so much of predominance as of service

Britain's
maritime
efficiency

This epitomises the modern view of historical development. We shall ask in these pages, How far has England nurtured freedom and law and civilisation within her borders? What has been the main bent of her activities throughout her far-spreading dominions overseas? What contribution has she made to the world's growth out of savagery into order, out of ignorance into knowledge, out of chaos into industrial life, out of war into peace? These questions will be found to furnish a more stable basis for patriotic love and pride than the chequered record of achievement by conquest. Modern statesmanship, if less showy and spectacular, is more arduous than the old. As enlightenment spreads, so do the standards of national service become more exacting and refined. And the emphasis of our new historical records must not fall short of the requirements of the enlightened judgment of our day. Tacitus relates ¹ that the Scottish chieftain, Galgacus, addressing his compatriots at the foot of the Grampians, spoke of the Roman invaders thus:—"They are general spoilers, such as neither the eastern world nor the western can satiate. To spoil, to butcher, and to commit every kind of violence, they style by a lying name, *Government*; and when they have spread a general desolation, they call it *Peace*." ² There was a sting of truth amidst the exaggerations of this primitive outburst against the greatest empire of antiquity. Britain, as sower of harvests of life, is a greater theme

¹ Tacitus, "*Agricola*," A.D. 84.

² "*Ubi solitudinem faciunt pacem appellant.*"

than Britain as reaper of the harvests of death. We shall do well to garner the records of the *Pax Britannica*, which will be our greatest title to the gratitude of posterity.

The insular character of the home dominions of Great Britain has, of course, had a profound effect upon the whole of our national development. It has saved us from the alarms and unsettlement of continental politics and ambitions, just so far and so often as we chose to be exempt from them. We threw off the yoke of an alien Papacy when we chose; and not even the arms of Napoleon, when the greater part of Europe lay at his feet, were able to cross the little "silver streak" and shake us in our island fastness. If our isolation has made us, in the eyes of more cosmopolitan peoples, somewhat "insular" in character, it has at least given us that domestic peace and security which has enabled the characteristics of our civilisation to pursue a steady and unbroken development. It is true that Celts, Romans, Anglo-Saxons, Danes, and Normans effected, in succession, a conquest of these shores; but since the eleventh century the country has been sufficiently peopled, and its inhabitants sufficiently welded into a nation, to put an end to this danger of hostile occupation, and it is probable that if we chose to lead a self-contained existence, leaving the world to go its own way whilst we went ours, we might remain permanently free from war's alarms. Nations, however, no more than men, "live unto themselves" in the modern world. Apart altogether from the mere

Effects of
insularity

desires of conquest and domination, which are the less worthy and permanent features of modern patriotism, the world has become a more unified whole than ever our fathers could have dreamed it possible. Our kinsmen have passed into many lands beyond the seas, in pursuit of wider opportunities, larger freedom, richer trade than lay open to them at home. The thirst for empire and dominion is but the more showy and less defensible side of that natural expansion of national influence and character and economic traffic for which the modern conditions of rapid transit and communication have provided the media. Commerce, language, science and art, religion, and the science of government burst the narrow boundaries of nationality and seek the wider channels of world-wide influence for their task of general human enrichment and culture. The sea, which was our sure defence during the period of national adolescence, becomes in modern times and amidst modern conditions our path of advance and enlargement and our call to service. The questions remain: To what end has this high privilege of maritime opportunity been given us? What is its most abiding value? How best shall it be used?

The meaning and influence of "sea-power" has been much canvassed since Captain Mahan, an officer of the United States navy, issued his famous book¹ more than twenty years ago. This author's thesis was "the

¹ "The Influence of Sea Power upon History," by Captain A. T. Mahan. London: Sampson Low, Marston, etc, 1889.

profound determining influence of maritime strength upon great issues," but he gave a purely military application to his concept, and thus robbed it of a large share of its significance. Writers of this school should be reminded that the sea must always tend to become more a highway of peace than a theatre of war. It is natural for the military strategist to emphasise the strength of England's position for maritime offence or defence; her "command" of the Channel and Narrow Seas; her excellent ports, safe coasts, and easy access to the high seas; her string of coaling-stations along the great trunk-roads of every ocean; her "striking-points" at Gibraltar, Malta, Suez, the Cape, Singapore, and the rest; her shrewd monopoly of the cross-roads and halting-places, which have made her for a century a power to be courted and feared by every nation with a coast-line throughout the world. This kind of "sea-power," however, like all systems of privilege and domination, is increasingly difficult to maintain against the growing ambitions of other and more populous nations. If Britain's maritime efficiency meant simply, or depended simply upon, her power to build more battleships in perpetuity than, let us say, Germany, or the United States, we should have reason to nourish serious fears of our nation's future. The truth is, however, that naval power is nothing but a clumsy temporary device which must give way, before long, to the exemption of neutral commerce from capture and to the policing of the seas by an international force. The race for naval "supremacy" will lead inevitably to a stale-

mate, and then to the adoption of that co-operative policy under the sanction of international law, by means of which the highways of the ocean will attain their proper liberation and security.

Meantime it may be well to remember that there is a species of "sea-power," a kind of maritime efficiency, for which England's geographical position has peculiarly adapted her, and in which she has won, during the past three centuries, enduring laurels. British venturers across the sea began the history of North American civilisation; but British sea-power did not suffice to hold the new country against the wishes of its inhabitants. Our trophies on American soil to-day are not those of our naval prowess, but those of our colonising skill, the influence of our speech, our literature, our social and political ideas. The story of American-Canadian relations during the past hundred years, and of the disarmament of the Great Lakes by the Rush-Bagot Agreement¹ of 1817, is a triumph of conceptions alien to those of the naval and military specialist.

The history of civilisation may be viewed, in one aspect, as the history of communications. When the peace of the Romans drove their great roads the highways through the forests and across the hills and rivers of Britain, the first step was taken towards the civilising of this island. What part have the highways played in the history of peace and war? At first sight it might seem that their purpose was a purely military one, and that they were

¹ For further particulars of this notable treaty, see Chapter vii.

destined for ever to echo to the tramp of the legions. As late as 1285 Edward I. found it necessary to make special provision (in the Statute of Winchester) for the clearing of the trees and brushwood to a distance of 200 feet on each side of the main roads, to prevent malefactors from laying ambushes for travellers. Amongst the petitions presented to the Good Parliament in 1376, were numerous complaints against acts of violence by armed bands along the roadways.¹ We have lived, however, to see even the outlaw and the highwayman banished from their precincts. Robin Hood and his merry men, Jack Sheppard and the "gentlemen of the road," have passed from the stage of history into our books of fiction, where they ruffle it, as do D'Artagnan and his Musketeer friends, to the delight of the readers of romance, who enjoy their exploits none the less because their heroes are never likely to come to life again.

We shall have, hereafter, to trace some of the stages by which the highways of the ocean have passed through the same evolutionary changes as the highways of the land. It is one of the ironies of history that the first to snatch the fruits of the toil of the pioneer and the pathfinder should have been, so often, the man of war rather than the man of peace. The partial conquest of the air, in our own time, has been seized upon by the military strategist as a new field for the exercise of his

¹ There is an interesting study of the "Security of the Roads" (chiefly in the fourteenth century) in Jusserand's "English Wayfaring Life in the Middle Ages."

activities ; and his imagination sees fleets of aerial warships grappling in the central blue, and dropping an unmerciful rain of explosives from the high heavens upon the earth beneath. The test, not only of the humanity, but of the reason and foresight of our generation, will be the question, how soon they can frame a rule of law and peace for the skies (which reveal so mighty a lesson of ordered harmony), and save their pure spaces from the tragedies of self-destruction, which have for such long ages soaked the old earth with blood and polluted the waters of every sea.

The prowess of Britain upon the seas, due in the first place to her unrivalled geographical position, Pacific triumphs of Britain's sea-power has been an achievement significant for civilisation and peace, as well as famed in the annals of war. The Tyrian merchant came to these shores to trade before the galleys of Cæsar came for conquest ; and when the last ironclad has been towed to its final berth, like the " Fighting Temeraire " of Turner's picture, the merchantman and the colonist will sail the seas, under the protection of international law, with a sense of security never hitherto known. For this stage of the evolution of our civilisation the time is rapidly ripening. When it arrives we shall remember with pride that British ships have carried the torch of law and liberty across the seas to the uttermost corners of the earth, not without occasional faults of arrogance and greed, but, on the whole, for the revealing of the world's distant and hidden treasures, the discovery of her resources,

the widening of human intercourse, the levelling up of culture, the overthrow of tyranny and savagery, and the spread of liberty, toleration, and justice. If this, as we believe, should prove to be the verdict of history, the *Pax Britannica* will have given a noble chapter to the annals of human development. "The unity of the ocean," writes a recent geographer,¹ "is the simple physical fact underlying the dominant value of sea-power in the modern globe-wide world." Great in the arts of naval war, the descendants of the sea-pirates who settled in these fortunate isles have achieved greater and more enduring conquests by their peaceful traffic over the waters—traffic which has linked them with bonds of obligation as well as interest with every nation of the earth. More by work than even by war has Britain earned for herself the proud title of "Mistress of the Seas." She has been among the foremost in storming the icy fortresses of the Poles. She has struck down the pirate and slaver; given support and hope to little peoples struggling to be free; planted the tropics; founded commonwealths of freemen in America and Australasia; schooled the Indies; opened up the Dark Continent; brought East and West together; abridged the distances that for ages have separated the peoples of the earth, and spread amongst them all the dawn of a sense of kinship and mutual need. These are no mean services to the common life of mankind; and as we contemplate the ripening harvest of civilisation, which will be the permanent fruit of this three hundred years of

¹ "Britain and the British Seas," by H. J. Mackinder, 1902, p. 12.

tilling, we need grudge no tribute of praise to the different types of toilers of the sea who have sailed from the shores of Britain on this great employment. Since for centuries the seas knew no law but the law of craft and might, it was meet that Grenville and Drake and Raleigh and Blake and Rodney and Nelson should have won for Britain by the prowess of arms an imperishable fame.

Admirals all, for England's sake,
Honour be yours and fame !
And honour, as long as waves shall break,
To Nelson's peerless name ! ¹

But it is fitting, also, that the triumphs of war should not obscure the more lasting victories of peace. Granted that the courage of British sailors has cleared the way for the more arduous and creative achievements of her colonists, her law-givers, her missionaries, and her masters of industry, it must be said, also, that the warrior's fame should rank less high than his to whom it is given to light the fires of commerce and civilisation and to be the pioneer of a larger human fellowship. The reign of law must supplant the reign of force if the highest interests of civilisation are to be served. Britain's fame upon the sea amidst which she was born means more than anything her succession of naval heroes has been able to do for her. She has planted and watered the seeds of trade and industry, of liberty and law throughout the world ; and the workmen and venturers who gave their lives to this fruitful traffic are at least as worthy of their memorials in

¹ Henry Newbolt, " Poems. "

the Abbey and St Paul's as are the victors of Cadiz, Santa Cruz, Quiberon Bay, Gibraltar, and Trafalgar.

Of the story and heroic significance of England's vast maritime trade much has yet to be written.

The daily labours of the mercantile marine would furnish forth no mean epic of struggle against the unbridled forces of nature, of humble valour, of unrecognised self-sacrifice, and of the contagion of human enterprise carried to every distant corner of the world. In the year 1909 there were some 720,000 entries and clearances of vessels at British ports, representing a gross tonnage of some 250,000,000. Of this stupendous total 140,000 cargoes of over 130,000,000 tons represented the volume of foreign trade. Of the world's steamships, in this same year, engaged in foreign trade, and entering the ports of the United Kingdom, 35,808 out of 63,090 were British, or nearly 60 per cent. The tonnage of sailing and steam vessels owned in the United Kingdom exceeds the total owned by Germany, France, and the United States taken together. What is the significance for civilisation of these wonderful figures? They mean that Britain is "Mistress of the Seas" in a sense not usually implied by that phrase. She is the mistress of ocean-traffic and of ocean-trade, of maritime capacity and maritime experience; and her ships carry not dead merchandise alone, but a living speech and tradition, the habits of thought and life of an ancient and virile people. A map of the world, with the Dominions, Dependencies, and Possessions of the British Empire coloured red, is a

Maritime
trade out-
reaches the
flag

familiar and ever-arresting sight. That an island of the size of England (no larger than the State of Georgia) should have given its law and civilisation to so large a portion of the earth's surface is an achievement unique in history. But this is only a part of her service to mankind. In the ports of countries not under the British flag her ships are known almost as familiarly as those of these countries themselves; and these innumerable ports of call have become power-houses of British influence, from which the currents of British enterprise—her religion, laws and liberties, as well as her commodities—have radiated throughout the known world. It is a striking fact that the value of British trade with foreign countries is more than double that of her trade with her own possessions.¹ The bounty and

¹ The figures are still more striking if we compare (a) the trade of the whole British Empire with Foreign Countries, and (b) the trade of the Mother Country and her Colonies with each other. See Statistical Abstract for the British Empire, 1910, Cd. 5094.

Total value of Foreign Trade of the British Empire for the year 1908 = £1,120,815,000.

Total Inter-Imperial Trade = £377,213,000.

Thus the Foreign Trade of our empire embraces 74·8 per cent., and the Inter-Imperial Trade 25·2 per cent.—a proportion of almost 3 to 1 in favour of the former.

The figures for the United Kingdom alone are given in the "Annual Statement of Trade of the United Kingdom with Foreign Countries and British Possessions." In the year 1910 the total import and export trade of the United Kingdom amounted to £1,212,402,841. Of this immense volume of trade, £882,549,742 was with Foreign Countries and £329,853,099 with British Possessions. (See "Annual Statement" for 1910, issued in June 1911).

That the magnificent record of our shipping and oversea trade is intimately connected with our enjoyment of the privileges of Free Trade, I have not forgotten. This aspect of national policy, however, in relation to the main theme of this volume, I must leave for subsequent treatment.

hospitality of the sea outruns the limitations of nationality ; and the instinct of the trader who avails himself of this bounty is forging links of mutual interest and knowledge between the divided peoples of the earth which are of the happiest presage for international understanding and peace. It were useless to pretend that our traders overseas have been consciously moved by impulses of altruism and philanthropy. None the less have the results of their enterprise and ardour been, on the whole, far-spreading and substantial gains for civilisation. "A nation," wrote Emerson, "considerable for a thousand years since Egbert, England has, in the last centuries, obtained the ascendant, and stamped the knowledge, activity, and power of mankind with its impress. Those who resist it do not feel it or obey it less. The practical common sense of modern society, the utilitarian direction which labour, laws, opinion, religion take, is the natural genius of the British mind. The American is only the continuation of the English genius into new conditions, more or less propitious." The vehicle of this mighty influence upon the world's life has been the sea-borne life of the British people, springing from her favoured home amidst the waters, and of which her naval prowess has constituted only the smaller and less important part.

If England has been fortunate in respect of her geographical position and natural resources, she has been no less favoured in the character and combination of the racial types which made their home here. We shall not

Our racial
amalgam.

enter upon the endless discussion of the rival influences of place and race upon national development. The racial strength of the British people has been proved in every latitude, and under the most various climatic conditions. It is more to our present purpose to distinguish the numerous elements that have made up our national amalgam ; to emphasise that fusion of types from which has resulted the complexity of British character and institutions ; and to trace in our subsequent narrative how a nation, sprung from the descendants of heathen marauders, has given its law to vast portions of the world, become the mother of representative institutions, and foreshadowed in its own history a harmonious blending of the peoples of the earth in the tasks of peace. The lower the organism, the simpler ; the higher, the more complex. We can make no patrician boast of the unmixed strain of our blood. But we, as a nation, are none the worse for that. "It takes many kinds of people to make a world." Perhaps Great Britain has been able to be of so wide and deep a service in shaping the destinies of modern civilisation because she herself is "a debtor to the Greek and barbarian, to the bond and free." Her people were themselves immigrants and settlers before they commenced to settle and develop the waste places of the earth. Their mixed origin, while it did not prevent their developing a strong—and sometimes even narrow—national feeling, gave them the faculty of easy adaptation to new conditions, and a many-sided ability that gave them touch with the most varied peoples. In these days of quick,

cheap, and constant travel, and of an ever-growing mixture and inter-dependence of nations, the narrow type of national pride has become not a little ridiculous. So great is the consciousness of mutual obligation amongst the peoples of the modern world, that the boastful rhetoric of the old nationalism gives offence rather than pleasure; and the diversity of gifts and workings is revealing a higher international unity and a deep sense of the usefulness of each member of the body.

As has been said, we exemplify this process in the history of our own country. The great migrations of the barbarian peoples took place Iberians and during centuries when the British Isles Celts were at the limit of the known world. The moving hordes were able to cross the Channel and occupy Britain, but they could get no further. The earliest populations of this country consisted of successive waves of these alien visitors. To the new stone age belong the short, swarthy Iberians, the purest descendants of whom may be found in the miners of the Rhonda Valley, in South Wales. Next came the tall, fair Celts, of the bronze age, who swarmed over from France and Belgium to these shores at a date probably subsequent to 1000 B.C. The Celts came in two divisions, the Gaelic and the Brythonic. The tongue of the former still survives in Manxland, the west of Ireland, and the north and north west of Scotland. The language of the Brythonic Celt is still used in Brittany and Wales, lasted till 1100 A.D. in the area between the Dee and the Clyde (Strath-

clyde), and died out of Cornwall only a hundred years since.

From about the beginning of the Christian era to the fall of Rome in 410 A.D. Britain (but not Ireland) was a Roman province. She enjoyed during this period the mixed blessings of the Pax Romana—the peace of subjection; but having exploited her for four centuries, the imperialists left her to her fate and went home to meet their own.

The way was now open to those bands of piratical German tribesmen—the Jutes, Saxons, and Angles—who have given their name to our country and race and contributed the main stream to our mixed blood. Landing at Ebbsfleet in Thanet in 449, the Jutes conquered the “Saxon Shore” and occupied Kent and the Isle of Wight. They were followed by the South Saxons in 477, then by the East Saxons, and then by the Engle (or Angles) who colonised mid-Britain and the line of the Trent and subsequently won the land from the Humber to the Forth. In 514 the West Saxons (or Gewissas) had landed. They conquered Winchester and the district round Salisbury Plain, advanced up the Thames valley, thence into mid-Britain, and about 577 entered the valley of the Severn. Britain was stubbornly defended against its Teutonic invaders. Kent took thirty years, South Britain sixty years, to conquer; and it required two hundred years of bitter warfare before the bulk of the island came beneath the Anglo-Saxon yoke. In the ninth century the English

conquerors had themselves to suffer the incursions of the Danes, or Northmen, a race not distantly related to their own, and even more brave, ferocious, and versatile. In 855 King Alfred had to be content to divide England with these fierce warriors, and between the years 1016 and 1035 a Danish king, Canute, ruled over an empire of which England was only a part.

The last great wave of foreigners who entered this country by conquest was the array of Norman retainers of Duke William, who over-
The Normans
 threw Harold at Senlac. William was crowned at Westminster as king of England, and seized in his strong hands all the instruments of national authority. The Norman conquerors of England were French in language and manners, Norsemen by race. They had to the full the stark ferocity of their Viking progenitors, but they joined with it the statesmanship and polish of France. We shall speak of their work in more detail in the following chapters. Here it may be noted that William spoke no English, and that, as late as 1000 A.D., the Normans in Normandy had been known to the surrounding French as "pirates," their land as the "pirates' land," their Duke as the "pirates' Duke."¹

When, therefore, we come to sum up the racial origins of the British people, we get a curiously composite picture. For the first two
Summary of racial origins
 thousand years of its history this land suffered five successive waves of conquest—a savage

¹ J. R. Green.

birthage of blood and iron. The oldest inhabitants were pushed by the later comers further and further to the west and north. Spain probably sent us the dark "Iberian" race-group. The Celts crossed to Britain from France and Belgium, and held sway over the British Isles for a thousand years. Then for four centuries the military organisation of Rome exercised supremacy. The Anglo-Saxons, who came next, were of Low-German stock—their home Schleswig-Holstein and the flat river estuaries, which are now the centre of the German Empire's commercial and naval power. After them, their cousins the Danes, and their second cousins the Normans, and the main fabric of our mixed population was complete.

If the lesson of racial tolerance and mutual accommodation had to be learned in a hard school, we

Some results British ought to have learned it well,
for it has been taught us in the hardest.

But the result is certainly a remarkable one. We have lived to see Scotsmen our Prime Ministers, a Welshman our Chancellor of the Exchequer, and Irishmen at the head of our army. Hanover gave us our reigning royal house, the Norman-French our oldest aristocracy. To our Angevin rulers we owe the framework of our administrative and judicial system. With the coming of the Danes to our shores commenced our facility in trade, industries, and seamanship.¹ The Flemings and Huguenots

¹ Cf. Cunningham, "Outlines of English Industrial History," 1895, p. 11.

"The English were satisfied with rural life; they were little attracted by the towns which the Romans had built, and they did not devote

taught us to manufacture, the Lombards our finance. From Italy came the inspiration of our first literature. Our best ecclesiastical architecture is French. A Dutch farmer, recently in arms against us, presides over the Councils of a United South Africa. A French Canadian was for years the Premier of our great Dominion in North America. Our greatest kings include Danish Canute, and Angevin Henry II., and Dutch William III.

Do we lose anything of our self-respect by a ready acknowledgement of these affinities and obligations? On the contrary. They attest the rich variety of our inheritance. It is the best nations that have the widest relations—those chosen for a high destiny whose roots have been watered by so many streams. English history is a wonderful story of blended racial influences and abilities. It will inspire us, if we read it aright, to be the missionaries and pioneers of the world's peace.

themselves to commercial pursuits or to manufacturing articles for sale. The Danes, though so closely allied by race, appear to have been men of a different type. They were great as traders and also as seamen. We may learn how great their prowess was from the records of their voyages to Iceland, Greenland, and America, from the accounts of their expeditions to the White Sea and the Baltic, and from their commerce with such distant places as the Crimea and Arabia. Their settlements in this country were among the earliest of the English towns to exhibit signs of activity. Not only were the Danes traders; they were also skilled in metal work and other industrial pursuits. England has attained a character for her shipping and has won the supremacy of the world in manufacturing; it almost seems as if she were indebted on those sides of life, on which she is most successful, to the fresh energy and enterprise engrafted by Danish settlers and conquerors."

CHAPTER II

B.C. 55 TO A.D. 1066

THE MANY MASTERS AND THE ONE

BRITAIN was conquered by the arms of Rome, but it was not Romanized, as were Italy, Gaul, and Spain. Roman civilisation and the Roman Britain Latin tongue did not take root in British soil. For nearly four centuries our land was garrisoned by Roman troops. The legions vanished and the Roman name and work vanished with them, to be re-introduced by Augustine and his monks in 597, in the form of a creed and discipline destined to lead captive the fierce Teuton conquerors of Rome's former province.

Imperial Rome had used Britain as a barrack, a granary, a dépôt. The conqueror was too gorged with territory, too debilitated by riches and conquest, to be more than a step-parent to this late addition to the family. The trump of doom sounded in Italy; and Rome cast Britain to the Teutonic sea-wolves. It is true that a considerable commerce and civic development had resulted from the Roman sway. No less than 218 Roman stations are known to have existed in Britain. Of these, two, St Albans and York, were municipal towns, and nine, including London,

Lincoln, and Chester, were *coloniae*, possessing the rights of Roman citizenship. There was even a Christian Church in the island in the third and fourth centuries, having intercourse with Rome and Palestine, sending bishops to the Council of Arles in 314 A.D., and providing a martyr in St Alban, and a heretic in Pelagius (or Morgan). A brisk commerce and agriculture sprang up, and Roman villas and homesteads were scattered throughout the country. It is easy, however (as Green has remarked ¹) to exaggerate the civilisation of Britain. Wales, Cornwall and Devon, and Scotland were scarcely touched by Roman influence. Even in the occupied parts there was no depth of Roman culture—civic, intellectual, or moral. The Roman levies probably found the British climate severe and uncongenial. The garrison of 20,000 infantry and 1700 cavalry, with its accompanying tax-collectors, traders, and officials, did not regard Britain as a home. It was a conquest to be exploited, in which to win promotion, wealth, fame. Rome was too much preoccupied with military matters during her four centuries of possession to lay the foundations of a stable commonwealth. Hence she failed to become the nursing-mother of our nationality and of our institutions. This reveals the limitations of a merely military success. After a bloody subjugation of Britain ² Rome gave the

¹ "Making of England," p. 5.

² The misery of the subject population is attested by the pages of Tacitus. The methods of Roman conquest were grim and relentless. The Britons resented being forced to serve in the armies and fleets of Rome, and being driven into the labour of the mines or banished

country some centuries of what passed for peace in that rough age—safety within the line of her walls and camps, an equality of subjection and service. But her garrison lived amongst the British as strangers in a strange land; their patriotism always Roman rather than British; their hearts among the vines and olives of the south, rather than with the tasks of nation-building in a northern isle. Green remarks upon the fact that the bulk of the (Roman) monuments which have been found in Britain relate to military life. “Its inscriptions and tombs are mostly those of soldiers. Its mightiest work was the great Wall and line of legionary stations which guarded the province from the Picts. Its only historic records are records of border forays against the barbarians. If we strive to realise its character from the few facts that we possess, we are forced to look on Britain as a Roman Algeria.”¹ Who would have seen in the hordes of Teuton barbarians who swept over Roman Britain—fierce pagans and pirates as they were—the future founders of English homes and industries, English law and English liberties, the conscript-fathers of the Pax Britannica? The Romans came and went; the English came to stay. The former were always

to oversea provinces, away from their homes. The slaughter of captives was of frequent occurrence. Of the battle in which Galgacus and his Caledonians were finally overthrown by Agricola, at the foot of the Grampians, Tacitus (Agricola’s son-in-law) writes: “What ended the pursuit was night and a satiety of slaughter. Of the enemy were slain ten thousand. There fell of our men three hundred and forty.” This almost reads like an account of a battue of “natives” by quick-firing guns and rifles in our own day.

¹ Green, “Making of England,” p. 7.

aliens ; the latter came to think of themselves as almost the aborigines of the island. The Romans dwelt in Britain as in a camp ; the English made it a home, and drove their roots into the soil.

One fruitful product of the Roman occupation, however, outlasted her empire, and placed succeeding generations under an enduring debt. The Roman
Sometimes on the lines of older British roads
tracks, sometimes across moor and forest straight as an arrow's flight, she constructed her magnificent system of roads ; and was thus the first to open out the resources of the island, and to encourage, in an effective manner, the habits of trade and frequent intercourse. In a wild and barbarous country, half-covered with woods, through which roamed the wild bull and the wolf, this was perhaps the first material service which could be rendered by the higher civilisation to the lower. Watling Street started at Richborough, the Kentish door from the Continent, and passing through London and Worcester, stretched one arm out to the Welsh coast looking towards Ireland, and another, by way of Chester and Manchester, through the heart of the northern counties into the Scottish lowlands. A second trunk-road, the Icknield Street, traversed southern Britain from near the Wash to Dorset, Devon, and Land's End. A third, Akeman Street, connected the eastern counties, by way of Bedford Buckingham, Woodstock, and Cirencester, with Caerleon, Cardiff, Caermarthen, and St David's in South Wales. A fourth, Ryknield Street, stretched from the Tyne, Aldborough, Chesterfield and

Birmingham to the same destination. A fifth, Ermyrn Street, came from East Scotland by Berwick and Catterick, Northallerton, and South Cave (on the Humber) through Lincoln to London, and thence by two branches to the south coast. Two minor highways, in addition, are mentioned: the Fosse Way from Ilchester and Bath through Cirencester to Lincoln; and the Via Julia, from Bath through South Wales. Built primarily for the purpose of conquest and subjection, this network of Roman roads, solidly structured from "pavimentum" to "summum dorsum," long outlived the memory of the soldiers who toiled and fought upon them, formed for centuries the only main lines of communication throughout the country, and, together with the sites of the forts and camps and towns along their course, constitute the chief monuments in Britain of Roman rule. The forts were overthrown; the towns sacked and burned. The separating walls of Hadrian and Antonine are traversed by the plough and the railway train. The roads remain, and have become instruments of commerce, of friendly intercourse, and of union.

After the departure of the Romans Britain becomes England. As though it had not suffered enough, the country was subjected, for the greater portion of six centuries more, to a further baptism of blood. It is of some of the leading characteristics of the period from the landing of Hengist and Horsa in 449 to the Norman Conquest in 1066, that this chapter will treat. It is not proposed to tell anew the story

of the Anglo-Saxon settlement, which has been brilliantly narrated in the pages of Green,¹ but rather to disengage certain leading results from the pre-Conquest period of our nation's history that will illustrate the main thesis of this volume.

If we are to believe the surviving records, we must regard this as an age of almost continual warfare, and of almost unmitigated ferocity. The savagery of untutored barbarians overwhelmed and dissolved the thin framework of Romanised society. Packs of hungry human wolves ranged, without let or hindrance, among the sheep-folds and over the pastures; and for generations the history of the land reads like a monotonous tale of slaughter and pillage, the burning of towns and homesteads, the passing of a rough ploughshare over the old British organisation, and the creation, throughout most of England, of a new virgin soil, out of which the beginnings of an ordered society were destined to come to a slow and painful birth.

It is necessary, of course, to read the story of our national origins with a due sense of historical proportion and perspective. We have no record of the numbers involved in the ^{The English} invasion displacement by the Anglo-Saxons of the previous British population.² Probably these operations were on a much smaller scale than a modern reader would

¹ "The Making of England," Macmillan & Co., London, 1885.

² "There is little evidence for the size of the population, much less for its composition, in the fifth and sixth centuries. We learn, however, that in Sussex there were reckoned 7000 (8400) households, and in the Isle of Wight 1200 (1440) in St Wilfrid's day (in the last half of the seventh century)." F. York Powell, "Social England," i. 133.

be inclined to think. Even at the time of the Domesday survey the total population included therein scarcely exceeded one and a half millions of souls. The actual English invasion was carried out by separate bands; hence, perhaps, the length and fierceness of the struggle and the prolonged rivalries which divided the conquerors and prevented the achievement of a settled peace. Such a migration of small groups of uncivilised warriors into a new and rich land must always, one may imagine, have meant scenes of terror and dread. Life was held cheap in those dark ages; and there was neither a common head amongst the invaders to order their settlement and check their ferocity, nor the mediation of a lofty faith to abate their greed and suggest terms of moderation towards the conquered. Hengist and Horsa, the Jutist leaders, who first turned against their British paymasters and conquered Kent, overthrowing Vortigern at Aylesford in 455; Aesc, the son of Hengist, who won a great victory at Crayford in 456; Aella and his sons, who landed in three ships in 477; Cerdic and Cynric, who came with two ships in 495 and in 519 established the Kingdom of the West Saxons; Ida, "the flame-bearer," who in 547 established, with his Bernicians, his capital at Bamborough; the leaders of the Engle, who colonised mid and northern England; of the Deirans who occupied east Yorkshire; of the Northfolk and the Southfolk, who settled thickly in the counties which still bear their name—what do we know of them beyond the bald narrative of slaughter and victory which constitutes the early

portion of the Anglo-Saxon Chronicle? What were they but the petty leaders of little groups of barbarian immigrants, greedy of spoil, rude of speech and habit, undisciplined for the arts of peace, thrusting their way through the land with all the ruthless bravery of the buccaneer? Yet such was the strong rough material upon the foundation of which our Anglo-Saxon commonwealth was reared.

The country through which the Anglo-Saxons fought their way was not, as has been seen, without some rudiments of organisation and culture. It was at least partially cleared, drained, and tilled, and produced an abundance of grain. Mines, quarries and ironworks, potteries, and fisheries bespoke the dawn of industry. There were more than thirty walled towns; joined by well-built roads. Bridges crossed many of the rivers; light-houses stood on prominent cliffs like that of Dover; well-warmed villas ornamented with fine mosaics met the eyes of the invaders on every side. What their emotions must have been as they gazed upon these traces of Roman influence, we can only conjecture. Whether the stubborn resistance of the provincials excited their rage, or whether they despised the symbols and luxuries of civil life, we know not; it is only to be concluded that they swept away the bulk of these memorials of the past without ruth. How much was saved from devastation, how much was learned of the primitive arts and achievements of civilisation by the victors, must remain a matter rather of inference than of evidence, for the records are of the scantiest London

(Augusta) and many of the former settlements lay for long deserted of inhabitants; Verulamium (St Albans), Lincoln, York, Winchester, Ratae, (Leicester), Camulodunum (Colchester), Lichfield, Stafford, and many other places were sacked. The towns of Roman Britain as a whole sank into ruins, either through desertion or devastation, some of them to be re-born in later centuries, and peopled by new races, with their own laws and customs. New village settlements whose names bore the suffixes "tun," "ham," or "thorpe," marked the halting places of the conquerors, and were called by the names of their clans.¹ By 577 A.D., when the battle of Deorham was won, the West Saxons had reached as far as the Severn Valley, and had sent out small swarms of settlers into our present Dorset, Wiltshire, Somerset, and Devon. This date concludes the first period of the English conquest.

The question as to how far the British population survived the English conquest has much interested recent historians, but the evidence appears to be by no means decisive. Freeman, Stubbs, and Green argued strongly for an entire displacement of the original inhabitants by their Teuton conquerors. "The tradition both of conquerors and conquered tells

Survival of
earlier ele-
ments

¹ "An Anglo-Saxon borough was little more than a collection of wooden thatched huts with two or three small churches, some having towers built for refuge or defence—the whole borough included within a wall strengthened by buttresses and by a stockade, and perhaps further protected by a moat or ditches. They were for the most part market centres rather than manufacturing, and a great part of their activity was simply agricultural. The borough was only an enlarged township." A. L. Smith, in "Social England," i. 206.

us that an utter change had taken place" writes Green ("Making of England" p. 137) of the period closing with the year 577 A.D. "They knew themselves only as Englishmen, and in the history or law of these English inhabitants we find as yet not a trace of the existence of a single Briton among them. . . . It is the same with language. The British tongue, the tongue, that is, of the mass of the population even under Roman rule, though it lived on as the tongue of the Britons themselves in the land to which they withdrew, has left hardly a trace of its existence in the language which has taken its place over the conquered area. There is the same utter change in government, in society, in law." Stubbs (*cf.* *Const. Hist.* i., 6, etc.) is almost as emphatically of the same opinion. York Powell, however, takes a somewhat different view. He disputes the alleged purely German character of the language of the period. "Women of all classes and slaves were clearly of value to the English colonists, though they might be massacred in an occasional raid, and one may infer their being spared through the second stage of the Conquest, though many of them may have been exported to the slave markets of the Continent. That the greater number of the upper classes of Roman or British blood were either expelled or slain is likely throughout the country; but that the land was continuously tilled in the same fashion, and chiefly by people of the same stock, from the time when the Romans came to the time of Henry VIII., now seems pretty certain. The East English and North English kings assumed the titles of

the Roman officials they displaced, and (as Dr Rhys points out) *Bretwalda* must be taken to be an English translation of *Comes* or *Dux Britanniarum*. The prevalence of a great mass of folk-customs, feasts and observances, beliefs and traditions, that cannot be referred to Teutonic origins, is a proof of the survival of the native population and of the intermixture of races that must have resulted from this survival.”¹

The question is not of paramount importance for our present purpose. Had the fusion of English with Celts come earlier and more fully than it did, the achievement of a United Kingdom might not have been so long delayed. In the middle of the sixth century three Welsh or British states remained unconquered by the English invaders—Strathclyde (between the Clyde and the Dee, to the Pennines), West Wales (Cornwall), and North Wales (the present Principality). The first was gradually absorbed into the Kingdom of Northumbria, the second was reduced to vassalage by Athelstan, grandson of Alfred, before the middle of the tenth century. The great central portion remained fiercely independent until its conquest by Edward I. in 1277. Celtic Scotland and Celtic Ireland remained outside the English system for centuries. The geographical distribution of Celts and Teutons may be illustrated by the fact that whereas Suffolk shows but 2 and Surrey but 8 per cent. of Celtic names as against 90 and 91 respectively of English names, in Cornwall there is a percentage of Celtic names of 80, in Monmouth 76,

¹ York Powell. in “Social England,” i. 132-3.

and in Devon 32.¹ As the subject of the peace of the United Kingdom will be dealt with in a following chapter, we may, for the present, leave the question of the influence of "the Celtic fringe" upon our national civilisation, and pass on to consider the fortunes of the English conquerors.

As soon as the first stage of the conquest had been completed, and the major part of the southern portion of the island had passed from British into English hands, the problem arose, how to weld into a united nation the many scattered bands of Jutes, Saxons, and Engle? Even within the limits of these three main tribes there were, at the first, almost innumerable family and clan divisions, many separate landings and settlements having been made by war bands under their own ealdormen. At first many of these fought with one another, as with the common foe, for the best shares of the spoil; and if, in the end, the common ties of blood, language, and kindred institutions and habits prevailed, it was only after generations of rivalry that anything like national unity was achieved. War, indeed, in this fierce age, was a constant occupation of the people, and manhood began for the youth when, at the age of fifteen, he was handed his equipment of arms as a token that he became a member of the folk. "The very form of a people was wholly military. The Folk moot was in fact the war-host, the gathering of every freeman of the tribe in arms.

¹ For a collection of Celtic words in the English Language, see the researches of Mr Davies and Mr Garnett, in "Transactions of the Philological Society."

The head of the Folk, whether Ealdorman or King, was the leader whom the host chose to command it. Its Witenagemote or meeting of wise men was the host's council of war, the gathering of those ealdormen who had brought the men of their villages to the field."¹ The ideal of the "nation in arms," pursued with such zeal by a few military-minded enthusiasts of the twentieth century, may be seen in action in the semi-barbaric England of twelve hundred years ago. It is not an example to which we need wish to return.

With the victory of the West Saxons at Deorham in 577 the war of extermination seems to have ended, and we find the Welsh in alliance, at one time with the West Saxons against the petty kingdoms of the Heptarchy Ceawlin, at another with Penda, king of Mercia, against the Northumbrians. In the laws of King Ine of Wessex, Britons are reckoned as subjects of the state and entitled to legal protection. For the next two centuries the main struggle is for mastery between the rival English kingdoms. Of the Anglo-Saxon Heptarchy, or seven Kingdoms of Kent, Sussex, Wessex, Essex, East Anglia, Mercia, and Northumbria, the first (according to Bede) to exercise supremacy as *Bretwalda* was Ella, king of Sussex. He was followed by Ceawlin of Wessex, after whom came Aethelberht of Kent, in whose reign Christianity made a solid footing amongst the English of the south. The fourth Bretwalda was Redwald, king of the East Angles (586-624); the fifth, Edwin of Northumbria, who was slain in battle with Penda, the heathen king of Mercia, in

¹ "Making of England," p. 172.

633 ; the sixth, Oswald of Northumbria, who was also slain in war with Penda in 642 ; the seventh, Oswald's brother Oswy, who avenged his brother by killing Penda in a battle near Leeds, in 655. With the death of Oswy in 670 the dignity of Bretwalda expired, to be revived by Egbert, who became king of Wessex in 800 A.D. (the year in which Charles the Great was crowned Emperor of the West) ; and in 827 A.D., nearly four hundred years after the landing of the Anglo-Saxons in Britain, united all the Anglo-Saxon kingdoms under the supremacy of one king. It will be seen in the sequel that the victory of Wessex in 827 was by no means a final solution of the problem of English unity.

It must also be remarked that this 250 years of strife between the great tribal claimants for supremacy witnessed many smaller feuds between branches of even the same tribe. For above two hundred years the rival families of Cutha and Ceawlin disputed the kingship of Wessex. The former obtained the mastery in 591, when the Hwiccas, aided by the neighbouring Britons, defeated Ceawlin at Wanborough, on the edge of the Wiltshire Downs. They kept it until 685, when Ceawlin's line recovered the kingdom under Ceadwalla and Ine, and afterwards finally secured it in the person of Egbert.

The tribal separatism which had laid Britain open, first to the arms of Rome, then to the Teutons, sapped the strength of the Anglo-Saxon conquerors, in their turn. The weakness of Wessex gave first to Kent, then to East Anglia, a brief taste of overlordship.

North-
umbrian
supremacy

Religious strife wrecked the hopes of the former ; the rise of Mercia soon crushed the latter. For the greater part of the seventh century the hopes of national unity lay with the Christian kingdom of Northumbria. Edwin, king of the Deirans, conquered Bernicia, and marked his conquest by the erection of " Eadwine's burgh " on a hill overlooking the Firth of Forth. In 626 he defeated the West Saxons, and thus became overlord of almost the whole Anglo-Saxon realm. He established his capital at York, and so effective did he make his rule that, according to Bede, the proverb first gained currency in his reign that " A woman with her babe might walk scathless from sea to sea in Eadwine's days." Edwin himself was baptised at York, and built there, for Bishop Paulinus, " a noble church of stone." For the second time York became the capital city of England.

The pagan majority were not yet prepared, however, to submit to Christian mastery. The fierce Penda, king of the Mercians, rallied the Engle of Mid-Britain, overawed Wessex, and, with the aid of the Welsh king, Cadwallon, routed the Northumbrians at Hatfield, where Edwin fell (633). Bernicia immediately broke away from Deira, and the old anarchy returned. East Anglia fell an easy prey to the victorious Mercian king. Oswald's great victory over the British at Heaven's Field, near the Roman Wall, two years later, broke the power for offence of the Welsh—and restored the Northumbrian kingdom. In the same year (635) Wessex declared itself Christian and acknowledged the over-

lordship of Oswald. But Penda was not yet done with. At the fatal battle of the Maserfeld Oswald met Eadwine's fate, and the union of Northumbria again dissolved. It was again restored by Oswy, brother of Oswald, and the struggle between north and middle England, between Christianity and paganism, continued as fiercely as before. At Winwood, near Leeds, in 655, the Mercians were routed with great slaughter; Penda fell; the Mercian tributary states fell away from their allegiance, and Oswy stood supreme. "From Oswy's day all the Englishmen of the north were simply Northumbrians, and this inner unity gave fresh weight to the political influence which the kingdom exerted outside its own bounds."¹ This last attempt at Northumbrian overlordship, however, rapidly proved a failure. Under Wulfhere, Mercia made an astonishing recovery; and after Oswy's death in 670, none of his northern successors pretended to more than a local sovereignty.

The chances of supremacy now lay between Mercia and Wessex. Northumbria had failed in its great task, but the work it accomplished was, nevertheless, of far-reaching importance. It broke English heathendom, and opened even the heart of Mercia to Christian missionaries. It nourished, through its monasteries, the first intellectual and literary activity of the English people. Above all, it pointed the way to that national unity which it was not able itself to achieve.

In spite of the futile struggle for mastery which

¹ "Making of England," p. 304.

prevented the attainment of a settled Anglo-Saxon peace, the passage of time brought with it a partial consolidation of social experience, and a somewhat broader conception of statesmanship and kingly rule. Ini of Wessex, whose reign lasted from 688 to 726, did something more than extend the borders of his domain. He founded the monastery of Glastonbury, was a liberal patron to the great scholar and singer Ealdhelm, and in his famous "Ini's Code" promulgated the earliest collection of West Saxon laws that has come down to us.¹ He extended West Saxon rule along the southern coast from Dorset to Thanet. London acknowledged him as its lord, and Essex probably fell under his authority. In the west he carried his arms as far as Taunton. At the end of a long and fruitful reign, however, domestic anarchy—the endemic plague of early English politics—broke out among his kinsmen. Disgusted at this end to his work and hopes, he followed the example of his predecessor, Ceadwalla, and sought the peaceful refuge of a pilgrimage to Rome.

For the rudiments of constructive statesmanship we must look in this period of our history to the leaders of the Church rather than to those of the petty local courts. Amongst the latter, indeed, there seems to have been no power either to follow up and consolidate their victories, to strike hands with their competitors for power, or to produce a

¹ No written memorials of heathenry have been allowed by the monks to survive. The earliest Anglo-Saxon laws of which we have record (through a copy made after the Norman Conquest) are those of Aethelberht of Kent. Cf. Maitland, in "Social England," p. 166.

leader who was able by his genius to place himself at the head of a united nation. No figure of outstanding greatness arose from the welter of their strife. Little wonder that Milton, in a later age, spoke contemptuously of their bloody feuds as "the battles of Kites and Crows."

To the Greek monk, Theodore of Tarsus, in Cilicia, who became primate of England in 669, we owe perhaps the first effective attempts at an organisation of our national life. The Church
and national
organisation His first three years in this country he spent in a journey throughout the island, securing recognition of the primacy of Canterbury and obedience to Rome. According to Bede (H.E. iv. 2) he was the first of the archbishops whom the whole English Church consented to obey. He soon proved himself to be a constructive statesman of a high order. Over each of the great tribal groups he placed a bishop, and in 673 he called these lieutenants together, along with many of their leading clergy, in the great Council of Hertford. By its decrees the bishops were confined to their own dioceses, a regular succession of synods was arranged, and the clergy were ordered to meet in council once a year. Here was the germ of a national church; and here, too, the germ of more potent national gatherings for general legislation. If any of the successive Bretwaldas could have checked the "roaming" instincts of the tribes as Theodore checked those of his bishops and clergy, there might have been a united and ordered England to face the Dane and

the Norman.¹ The Council of Hertford, in the opinion of Stubbs, possesses the highest possible importance as the first collective act of the whole English race. If this date constituted "the birthday of the English Church" it was also a momentous step towards the construction of an English nation. Within the next hundred years Theodore's organisation of the episcopate was followed by the development of a parish system. Here also the ecclesiastical architects builded better than they knew.

The lesson of Theodore's work was not taken to heart. The withdrawal of Ini and the anarchy in Wessex gave a new opportunity to the ambitions of Mercia. Aethelbald won the overlordship of Wessex, Kent, and East Anglia. In spite of two crushing defeats by the West Saxons at Burford (752) and Secandun (755)—in the latter of which he was slain—Mercia rose again to power during the long reign of Offa (757-795). The new king erected the great "Offa's Dyke" from the Wye to the Dee, as a protection against the Welsh, whom he drove beyond its border. Like Ini of Wessex, Offa drew up a code of laws, regulating with wise moderation the relations of English and Welsh within his realm. He brought both Wessex and Northumbria into dependence on Mercia, and inflicted defeat upon Kent. After his death in 795, however, the intrigues and diplomacy of the Frankish court, furthering the schemes of Egbert of Wessex, once more overthrew the Mercian supremacy, and

¹ Cf. capitula 2, 3, and 4 of the decrees of the Council of Hertford, in Bright's "Early English Church History" pp. 253-4.

centred the hopes of English unity in the West Saxon royal house.

We have now reached the final stage of the three-centuries-long rivalries of the kingdoms of the Heptarchy. With the attainment by Egbert ^{Egbert of Wessex} of the dignity, if not the title, of "King of the English," and of a realm stretching from the Forth to the English Channel, the stage of English history broadens; new Continental forces enter the piece; and the tribes who had themselves made a prey of the land of the Britons, having failed to build up a united commonwealth, have to submit in their turn to the yoke of foreigners who were to bend them into obedience and teach them in the school of subjection the elements of law and order.

The supremacy of Mercia had been undermined by the diplomacy of the Franks. That of Wessex was broken by the inroads of the Danes. Whatever expectations had been cherished from the successes of the arms of Egbert, and the union of the English kingdoms under his supremacy, were speedily dashed to the ground by this new influx of barbarism.

York Powell distinguishes three stages in the invasions of the Danes. The first, concluding in 855, had the character of mere recon- ^{The Danish} noitring raids, in which the objects of ^{inroads} these sea-pirates were slaves, cattle, and plunder. Between 855 and 876 the incursions became more systematic, and the Danes began to winter in the island. After 876 the period of actual settlement and partition of the conquered territory commenced. That the Danish invasions were cruel, bloody, and

destructive, we know from the contemporary descriptions of the Anglo-Saxon Chronicle, as well as from the actual traces of the havoc that they wrought. At Charmouth, in 833, says the Chronicle, "there was great slaughter made." In 838 "in Lindsey, and in East-Anglia, and in Kent, many men were slain." In 839 "there was great slaughter at London, and at Canterbury, and at Rochester." In 851 Ethelwulf and his son, Ethelbald, with the army of the West Saxons, had their turn of victory at Ockley, "and there made the greatest slaughter among the heathen army that we have heard reported to the present day." In 865 "the heathen army sat down in Thanet, and made peace with the men of Kent, and the men of Kent promised them money for the peace; and during the peace and the promise of money the army (*i.e.* the Danes) stole away by night and ravaged all Kent to the eastward." In 866 the Danes landed in East Anglia, and in 867 crossed the Humber, and taking advantage of civil discord, stormed York, "and there was an excessive slaughter made of the Northumbrians, some within and some without, and the two kings were both slain." After wintering at Nottingham, the invaders, in 870 (the year before King Alfred's accession in Wessex) marched upon East Anglia, and after defeating the under-king, Edmund, in battle, fastened him to a tree and pierced his body with arrows. In later days the Abbey of St Edmundsbury rose over his remains. "At that same time," narrates the Chronicle, "they came to Medeshamstede (Peterborough), and burned and beat it down, slew abbot

and monks, and all that they found there. And that place, which before was full rich, they reduced to nothing." The other great abbeys of the Fens all met the same fate, and Mercia, for fear of a similar harrying, submitted and paid tribute. In 871 "nine general battles were fought against the Danes in the Kingdom south of the Thames" besides many smaller engagements. So the record goes on, giving a mere summary, in bald outline, of one of the most terrible visitations known to history. Neither age nor sex was spared; the fruits of industry, the homes of learning and piety, the temples of religion were ruthlessly destroyed. One cannot read this story of blood-lust and death without the thought that there is a nemesis which ever falls upon the devotees of the sword. The Anglo-Saxon conquest of Britain, four centuries earlier,—we may be sure from its results (apart from the evidence of Gildas),—was at least as pitiless, and was more extensive in area and duration. Those who had given no quarter now received none. When we remember the burnings and slayings of the Danes throughout the half of England, to be followed in another two centuries by the devastation of the northern counties by William the Conqueror and the slaughter at Senlac, we cannot but feel that in the course of history the accounts of nations are squared, and that the exterminated provincials of Roman Britain had found terrible avengers.

There is this essential difference between the English and the Danish conquests, that in the former case the foes were of different, in the latter, of the

same race and speech. Hence it was easier for the Danes to come to terms, and ultimately to fuse, with the English population. It is true that the Danes of the ninth century were heathens, whereas their English cousins had by then adopted the Christian name. This distinction did not, however, cut so deeply as the plain promptings of self-interest. The Danes began early to be converted in batches. Guthrum and his followers, in 878, were baptised as Christians as the fruit of the treaty of Wedmore, with King Alfred. In the early eleventh century, by which time the resistance of the English had been, for a time, overcome, and a Danish king occupied the throne, Canute became a Christian and made amends for the ravages of his predecessors by a lavish patronage of the religious houses, and by allying himself with the Pope and the Archbishop of Canterbury. "The society," wrote Stubbs, "which was unable to withstand the arms of Canute almost immediately humanised and elevated him." The danger of a renewed struggle between paganism and Christianity was averted; and whatever moralising influence there was in the religion of the time, was gradually allowed free play upon both peoples alike.

The contests between English and Danes between 850 and 1066 reproduce, in some measure, the ebb and flow of the rivalries of the Our Debt to the Danes Heptarchy. They are marked, however, by the more majestic figures and riper statesmanship of Alfred and Athelstan, the primate Dunstan, Edgar and Canute. The Northmen, in

England, as in Normandy and Russia (where also they founded dynasties), were rapidly assimilated by the conquered nationalities. Their settlement in the towns and villages by the side of the English provided a quick stimulus to trade and commerce. "The increase in trade," says York Powell,¹ "is shown by the improvement of the Northumbrian currency (brought up to the Continental Frankish type, not hitherto adopted in the north), and in the amount of money struck in East England under Danish rule. Even in the West Saxon Kingdom fresh silver had to be struck in great quantities to pay the Danes and Northmen, and the fact that they preferred coined metal to bullion shows that they meant to use their booty in trade." They brought with them a law very similar to the English, a nature more ardent and enterprising, a rare skill in poetry and song, an efficiency in war, trading, and seaman-ship in which their age could not find their betters.

The most that the capacity of Alfred could achieve against the Danes was, by a better organisation of the military methods of the English, by the creation of a fleet, and by the inspiration of his own personality, to inflict upon them numerous defeats and make it worth their while to come to terms with him. By the Peace of Wedmore the English and Danes divided England between them; the line of Watling Street, the old Roman Road from London to Chester, forming the boundary. Alfred's greatness was shown in the elevation of his own life, the good government of his little realm, his codification of

¹ "Social England," i. 142.

existing English law, his humane but strict administration of justice, his interest in the education of his people, and the solid impulse which he gave by his own writings and translations to the creation of an English literature. His scope was limited, in such a shrunken kingdom and in such an unsettled age. But by his arduous work as well as by his lofty character he fully deserved to be remembered as Alfred the Great. His children and successors twice tore the whole of England from the rule of the Danes, only to lose their conquests again as fresh hordes of invaders fell upon the devoted land.

As in the case of Theodore of Tarsus in the seventh century, so in the middle of the tenth century the most promising attempt at national organisation was the work of an ecclesiastic—Dunstan. He settled the troubled north by a judicious division of the earldoms between Scots and Danes, preserving to the latter their own laws and customs. The dominions of his master, Edgar “the Peaceable” (958-975), were so far extended that eight vassal kings rowed him on the Dee. Commerce was encouraged, and law and order extended. He founded forty new abbeys, tightened the discipline of the monasteries, and furthered education. He improved the lot of the slave population, and led the way to the suppression of the slave-trade by William the Norman, a century later.

Dunstan, however, like Theodore three centuries before, was powerless to overcome the disintegrating tendencies of his time. The incessant warfare,

while it aggrandised the power of the king, degraded the common people, and corrupted morals and manners. Under Ethelred the Unready (992-1016) the hegemony of Wessex fell finally to pieces as that of Northumbria and Mercia had done before it; the Danes, maddened by a senseless massacre on St Brice's Day, 1002, renewed their warfare more vigorously than ever, and the work of Dunstan was undone. From 1013 to 1042 England was governed by Danish kings,—the beginnings of a foreign rule which lasted for two centuries.

In the strong and capable hands of Canute it seemed as though the wise and beneficent kingship, which England had lacked for five hundred years, had come at last. The Norman
Conquest Success refined and exalted Canute's nature. He maintained, after the excesses by which he secured his throne, a settled peace, and ruled for the good of his people. With his death in 1035, however, the fabric again broke down. In 1042 an English king was reseatd on the throne in the person of Edward the Confessor; but his pious inefficiency, his foreign leanings, and his weak and colourless rule, served only to mark a stage of transition, preparatory to the advent of that sterner prince, that more competent and strong-brained statesman, for whom England had been waiting for generations, to weld her into a united people, to crush her hydra-headed anarchy, and to lay the foundations broad and sure of an organic national life. So it was that in 1066 this masterless England found a master

who knew how to rule it, in the person of William the Conqueror.

The story of our national development, from the first landing of the English in 449, after the departure of the Romans, to the decisive intervention of the Norman at Senlac in 1066, is both an intricate and sombre one; and, even in the brief summary which has here been attempted, stretches to a somewhat tedious length. But it is a story whose lessons are well worth weighing, and whose events have had an important influence upon the subsequent history both of our own country and the world. It would be pedantic, and show a lack of historical feeling, to judge the men of the pre-Conquest period by the higher standards of a later age, or to impute blame to them because their internecine struggles revealed none of that genius for accommodation and organisation, none of that statesmanlike foresight and temper, which the present generation is only slowly discovering under the pressure of long experience, and with the advantages of an enormously widened outlook. With nations, as with men, it is only "years that bring the philosophic mind." For six hundred years after the withdrawal of the Romans this land was the theatre of repeated war, slaughter, and devastation. Each tribe played in turn the rôle of conqueror and conquered. The glamour and poetry which the enthusiasm and eloquence of the historian Green have thrown over this period must not deceive us as to its predominant

characteristics. There is no need to idealise these early centuries, or to imagine them to have been a golden age. The ailment of constant strife led direct to the hard remedy of an autocratic monarchy, to the growth of the unfree, and to the steady development towards a feudal type of society. If human happiness be the measure of national greatness, we must pronounce this period of our annals to have been "Dark Ages" indeed, for the sum of misery involved in the blind and ceaseless strife of our barbaric forefathers must have been terrible beyond imagination. In this our country was not peculiar, for other countries too received their baptism of blood and tears in that age of dissolution and re-birth.

Nor need we blame the Christian Church for its failure to abate, in any large degree, the ferocity, and to overrule the anarchy, which Influence of the Church are the main characteristics of the period. The various tribes of barbarian conquerors were successively Christianised, at first by the British and then by the Roman Church. But we must not imagine that this had a great ethical significance in such a time. The tribes whose deities included Tiw the war-god, Thor the thunderer, and Woden the giver of victory, were not easily to be persuaded of the merits of peace or the worth of brotherly love. The early conversions were everywhere associated with the secular power, and began at the top of the social scale—the least promising material for secure edification. Augustine's first converts were King Ethelbert of Kent and his court. The bishops were at first royal chaplains, and their

dioceses the royal domain. But the supra-national system of the Roman Church and the organising experience of its priests exerted a steadily growing influence in the direction of order and unity ; and the habits of decency, the feeling of pity, the taste for enlightenment and culture slowly reached to the hearts of the heathen from the gates of the monasteries and the altars of the churches. It was left for Norman William to impose secure order in church as well as state, but the foundations of both had been laid amidst the travail of the preceding centuries. The Benedictine order, as Thorold Rogers has said,¹ “ preserved the relics of ancient literature and ancient law, restored agriculture, was an asylum against lawlessness, monarchical or aristocratic. The philosophy of history proves that the monastic orders were the centre and the life of a reviving civilisation. Though I confess that I cannot see in the ‘ Monks of the West ’ all that Montalembert saw, I can discern that we owe to their example that habits of law, the dignity of labour, the promotion of education, and the record of history, were not lost during the six centuries of their early career.” To the same purpose writes Macaulay : “ It is better that mankind should be governed by wise laws well administered, and by an enlightened public opinion, than by priestcraft ; but it is better that men should be governed by priestcraft than by brute violence, by such a prelate as Dunstan than by such a warrior as Penda. A society sunk in ignorance, and ruled by mere physical force, has great reason to rejoice

¹ “ Economic Interpretation of History ” i. p. 71.

when a class, of which the influence is intellectual and moral, rises to ascendancy. . . . The Church has many times been compared by divines to the ark of which we read in the Book of Genesis ; but never was the resemblance more perfect than during that evil time when she alone rode, amidst darkness and tempest, on the deluge beneath which all the great works of ancient power and wisdom lay entombed, bearing within her that feeble germ from which a second and more glorious civilisation was to spring."

For the first thousand years of the Christian era the land of Britain was peopled by an amalgam of races, the greater part of whom accepted the Christian name. But it is vain to look for anything but the faintest glimmerings of the Pax Britannica throughout this millennium of our history. One ruler (Edgar) is called "the Peaceable," and a metrical passage in the Anglo-Saxon Chronicle (anno 958) lauds him, in that he "ruled without war," but there is no broad significance to be attached either to his personality or his reign. Peace implies capacity to make equal laws and willingness to obey them, a common standard of honour, some fair balance of social and political forces, and the consciousness of a solidarity based upon mutual economic service. These things were little dreamed of during the Anglo-Saxon period. The Norman Conquest, whilst it led to a militarisation of society more complete than ever before, and plunged our island into the vortex of Continental strife from which it took it centuries to emerge, was, nevertheless, a needed experience

The many
masters and
the one

in the development of our nation. The one master succeeded where the many had failed. If no way of national consolidation could be found save beneath the iron yoke of autocracy and feudalism, it was at least well that in Norman William the country met with a ruler of real capacity and firm statesmanship. Speaking of the Norman Conquest, York Powell says: "One may sum up the change in England by saying that 20,000 foreigners replaced 20,000 Englishmen; the former obtaining the throne, the earldoms, bishoprics, and abbacies, and far the greater proportion of the big estates, mediate and immediate, and many of the burgess-holdings in the chief towns."¹ The English had failed in the arts of statesmanship and organisation, without which no enduring peace can be won. The Normans were a fighting stock, but they were better trained, more progressive, more enlightened than their rivals. They gave to England what it had hitherto lacked, a governing class—a gift pregnant with much good, and much ill, in the subsequent course of British history.²

¹ William's brother, Robert of Mortain, got 973 manors and held land in 20 counties. His other brother, Odo of Bayeux, was almost as fortunate.

² Says Emerson ("English Traits," p. 34): "The reader of Norman history must steel himself by holding fast the remote compensations which result from animal vigour. As the old fossil world shows that the first steps of reducing the chaos were confided to saurians and other huge and horrible animals, so the foundations of the new civility were to be laid by the most savage men." He goes on, amusingly enough: "Twenty thousand thieves landed at Hastings. These founders of the House of Lords were greedy and ferocious dragoons, sons of greedy and ferocious pirates. Such, however, is the illusion of antiquity and wealth, that decent and dignified men now existing

It is amazing to think with what an economy of human material the great achievements of this early period were accomplished. The total population of England at the time of Domesday (1086) did not number more than from one and a half to two millions souls,¹—less than half that of either Scotland or Ireland at the present day. The Norman Conquest (as has been stated above) was accomplished by some 20,000 foreign adventurers—not one-tenth of the number of the peaceful emigrants who passed from the United Kingdom to the United States in the year 1910. So changed have all the conditions of racial migration become from that day to this. When we remember that there are as many people living in the borough of Battersea (173,122 in 1909) now as in all the towns of England in 1086, we realise that we have, in the period outlined in this chapter, been dealing with primitive conditions far removed from our modern experience. It was an age of crude beginnings; and with this thought we must mitigate any disappointment with which the actual achievement of the pre-Conquest period is reckoned.

Perhaps, if our surviving historical records had been less scanty, we should have been able to present a somewhat brighter picture of this period of our national origins. The annals of warfare tend always

boast their descent from these filthy thieves, who showed a far juster conviction of their own merits, by assuming for their types the swine, goat, jackal, leopard, wolf, and snake, which they severally resembled ! ”

¹ Professor Ashley favours the former, and York Powell the latter estimate.

to loom too large in the perspective of primitive chronicles. The quiet progress of social consolidation and economic development is only made manifest by later phenomena. Even in the pre-Conquest period, the days of peaceful occupation in sowing and reaping and in the humbler arts and crafts must have far exceeded in number the days of battle and slaughter. It is certain that successive waves of heathen invaders were subdued at least to the Christian confession—if not to the Christian spirit; that trade and farming made steady inroads upon the overmastering habit of war; that the wandering of the immigrant tribes gave way to a more fixed and advanced social economy, approximating to the feudal type; and that a society subject to the influence of an Aidan, a Cuthbert, and a Bede, and capable of producing a Cædmon and an Alfred, an Ini, an Offa, and an Edwin, was never entirely bereft of the things that are excellent in aspiration and endeavour. It was at least an English nation over which Norman William thought it worth his while to come and rule; a nation ill-organised as yet for its high destiny it is true, but containing within itself, as he well knew, the fruitful germs of a mighty future.

CHAPTER III

EARLY ENGLISH CONCEPTIONS OF JUSTICE, LAW, AND ORDER

It will have been gathered, from the survey of our early history in the last chapter, that the general political conditions were such as forbade a settled or ordered condition of society. The failure to secure order

To join together for the purpose of conquest in a league of fighting clans was probably the widest application of the principles of political unity of which the Anglo-Saxon invaders of Britain were capable. Their earliest idea of combination was largely military; their first leaders were the war-chiefs of the clan, the host-chiefs of the clan-group. "First the natural, then the spiritual." The forces which count most among primitive people are the forces which alone they are conscious of possessing, strength and craft—the physical attributes of the jungle which they best understand, and with which they are in closest sympathy. Their descendants at the present day also imagine that these have been the really decisive forces in the construction of society and nationhood.¹ But this is merely a vulgar error. Whatever his antecedents, man is

¹ In an address to the Eton College "Officers' Training College," on July 22nd, 1911, Brigadier Willson, the Inspector, said "He would

something more than the ape and tiger. On the one hand, militarism always tends to commit *felo de se*; on the other the higher qualities of the mind and character outreach and outlast the strength of the warrior and the calculations of the pirate. The fighting lust of Anglo-Saxons and Danes exhausted itself in fruitless struggles for predominance. The more peaceful products of their character were the spring from which English civilisation was destined to flow—to enrich and fertilise the life of the world. It will be our task in the present chapter to gather together a few of these higher tendencies of our early civilisation, and to illustrate the crude experiments out of which the modern ideas of justice, law, and order were born.

The earliest rude codes of law (the so-called “*Leges Barbarorum*”) to be found amongst the

<p>The Norman gift of organisation</p>	<p>Teuton races which overthrew the Roman Empire were the product of their migrations and conquests. In England there was but a scanty crop during the Anglo-Saxon period, but a real activity began with the coming of the Danes. The mingling of nations created the necessity of an explanation and definition of the customs of the tribe. “The Anglo-Saxon Doms are really declarations of folk-law by clan chiefs, acting as mouthpieces of their clans, at least until Ecgberht has brought back imperial notions</p>
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tell them something else that was true, and that was that this Empire, like every other Empire, had been made by war, was kept by war, and would either go on as an Empire by war or die away by war—by war, and not by peace.”

from the Court of Charles the Great.”¹ In the countries where feudalism was more advanced (France and Germany) elaborate codes were already in force, whilst England was still “in the twilight of the folk-laws.” The genius of the Normans rapidly changed all this, and within a century of the conquest the rude customary codes of the Mercians, West Saxons, and Danes were welded into a *lex terræ*, a law of the land. By the reign of Henry II., Glanville can speak of the “law and custom of the realm.” Centralised by a strong monarchy possessing great organising gifts, the *Common Law* is declared by the royal courts and attains a unity never before achieved. “Before the end of the twelfth century the King’s court has become the most powerful institution in the Kingdom, a highly organised body of trained officials, who make regular visitations of the counties, but who have a headquarters by the side of the King himself. This court is at first financial, administrative, judicial. In course of time the judicial element consolidates itself; it becomes professional. It devises regular forms of proceeding. Above all it keeps a strict and unassailable record of all the cases which come before it (the Plea Rolls). Later on it publishes its proceedings in a popular form (first Year Book, 1292). Between the accession of Henry I. and the death of Henry II. this Court has declared the Common Law of England.”² So strong was the early Norman monarchy in England that

¹ Edward Jenks, “Law and Politics in the Middle Ages,” p. 20.

² Jenks, *loc. cit.* p. 38.

there was a danger that our law might have come from the will of the king alone. The weaknesses of Richard I., John, and Henry III., saved us from this royal absolutism. The various elements in the national life were given an opportunity to intervene, and this they did with far-reaching effect. The towns, the merchants, the ecclesiastics, the barons, and the people made their voice heard and claimed the recognition of their rights. Thus the law of England became a truly national law, and in the reign of Edward I.—the “English Justinian”—the memorable principle received assent that “That which touches all, shall be discussed by all.” The Parliament of 1295, which included the knights of the shire and the burgesses of the towns, not only constituted a supreme representative Court of Appeal, but was the foundation of that majestic fabric of government by discussion, by public opinion, which was to be England’s greatest contribution to the political education of mankind, and lay all nations under her debt that strove to emerge from anarchy into the peaceful life of an ordered commonwealth. “There was plenty of Law in the Middle Ages,” declares the able writer whom we have already quoted, “but it was, for the most part, ill-declared and badly enforced. The great problem which lay before the statesmen of the Middle Ages was to devise a machine which should declare and enforce Law, uniformly and steadily. The supreme triumph of English statesmanship is, that it solved this problem some five hundred years ago before the rest of the Teutonic world. By bringing together into

one body representatives of those who made her laws, by confronting them with those who could declare and enforce them, England was able to know what her law was, to declare it with certain voice, and to enforce it thoroughly and completely."

The result outlined above was, however, only attained by gradual stages, and was, in the main, the product of the Norman and Plantagenet organising genius working upon the traditional habits and customs of early English life. A lawyer of our own time¹ has claimed that "the social life of Englishmen, from the time when they shouted under the uplifted spear to the time when, as now, they sit with apparent content in the wooden boxes which the custom of many generations has consecrated to their use, has ever been concerned with the administration of justice to an extent unknown probably in any ancient, certainly in any modern state." In describing some of the earliest forms and vehicles of this early English legal custom, we shall follow, in the first place, the authority of York Powell.

From the first the power of the folk-king seems to have been subordinate to the customs of his people. He acted by the advice of his "wise men," presided at the "folk-moot" or tribal assembly, and was himself chosen by the acclamation of this gathering. The folk-moot, at which the freeholders met in arms, was at once a parliament, a muster, and a court,

Early English
courts of
justice

¹ F. A. Inderwick, Q.C. "The King's Peace," 1895, p. 8.

Professor Pollard gives a different emphasis to the facts. "One great stride had been taken in the making of the English nation, when the

held with due ceremony upon an open moor. "At the court, before which all greater civil and criminal cases within the shire must be tried, the king sat as president, and with him a grand jury of a certain number of freeholders, sworn to do justice. The accused, if it was a criminal trial, was solemnly indicted on oath by a regular number of jurors, his peers. If he pleaded "not guilty" and had not been caught red-handed, he was allowed to try and prove his innocence, according to definite customary rules, by ordeal or oath of "law-worthy" men. If he failed, he was sentenced to the customary penalty by the king. A few offences—such as secret killing, kin-murder, arson, witch-craft, treason to lord or tribe—were *bootless*, and implied death or exile, according to the case. The rest might be atoned for by fines to the court and compensations to the injured person, or, if he had been slain, to his family. Christian men offending against Church-law also incurred heavy and varied penances from the Church, which were laid down in the *penitentials*

King's court, trespassing upon local popular and feudal jurisdiction, dumped upon the Anglo-Saxon market the following among other foreign legal concepts—assize, circuit, suit, plaintiff, defendant, maintenance, livery, possession, property, probate, recovery, trespass, treason, felony, fine, coroner, court, inquest, judge, jury, justice, verdict, taxation, charter, liberty, representation, parliament, and constitution. It is difficult to over-estimate the debt the English people owe to their powers of absorbing imports. The very watchwords of progress and catchwords of liberty, from the trial by jury which was ascribed to Alfred the Great to the charter extorted from John were alien immigrants. We call them alien because they were alien to the Anglo-Saxons; but they are the warp and woof of English institutions which are too great and too complex to have sprung from purely insular sources." "The History of England: a Study in Political Evolution." Williams and Norgate, London, 1912, pp. 50-51.

settled at Church councils with the archbishop's authority. Crimes of lust, of violence, and of simple greed were not uncommon, and the list of *boots* or compensations in the old English customals are curious reading—extremely minute in their distinction of wounds and injuries.”¹

In the above procedure the implied solidarity of the clan-group is clearly to be seen. The kin of the wrong-doer share the odium of the crime, the kin of the victim share the penalty or *wergild* to be paid by the former. Every man had his *wer*, or money value. In a surviving ordinance of Edward the Elder (901-924) we are told that the king's *wer* was fixed at 30,000 thrimsas, or £500 of the money of the period, an archbishop's or earl's at half this amount, a bishop's or ealdorman's at 8000 thrimsas, or £133, 6s. 8d., a priest's or thane's at 2000, or £33, 6s. 8d., a ceorl's at 267, or £4, 9s. Here we get a significant scale of society values for the period. The important point to notice, for our purpose, is the *spreading of responsibility* for violence or crime over a wide area of kinsmen. Here was introduced

¹ Seignohos, “History of Mediaeval Civilisation,” p. 52, quotes the following tariff from one of the codes of the barbarians :—“If any one strike a man on the head so that the blood flows, he shall pay 15 shillings (of gold); if he strike on the head so that three bones protrude, he shall pay 30 shillings; if the brain exude, 45 shillings. For a foot, a hand, or a nose cut off, 100 shillings must be paid; if the severed hand still hang, 45 shillings; if it be wrenched and torn, 62 shillings. If the thumb or the great toe be cut off, the fine is 45 shillings; for the second finger, with which the bow is drawn, 35 shillings; for the third finger, 15; for the fourth, 5; for the little finger, 15.”

A similar tariff is to be found in our earliest surviving English code, that of Ethelbert of Kent—the convert of Augustine. “If one man strike another with the fist on the nose—3 shillings.” “If the eye be struck out let boot (i.e. amends) be made with 50 shillings,” etc.

a valuable element of social restraint, of the best augury for the growth of a sense of law and order. The indemnity took the place of the old right of blood revenge, and thus the area of physical violence was limited. The system of frankpledge was a continuation of this method of local responsibility, and lasted until it was superseded by the administrative system of the Angevin kings.

The County Court, which was the folk-moot in its judicial capacity, was the oldest and most active judicial body in the kingdom. In place of the king the ealdorman of the shire (Danish earl, Norman count) presided, and to watch the king's interests he was accompanied by the sheriff (*scir-gerefa*), with the Thanes as judges, and the ordinary freeholders as bystanders. It met twice a year¹ and heard appeals from the lower courts (hundred-moots, etc.) and cases concerning the great landowners. It also constituted a periodical district assembly for the transaction of all county business. In the opinion of Hallam ("Middle Ages," ii. 277) the Shire or County Court contributed in no small degree to fix the liberties of England by curbing the feudal aristocracy. In the tenth century the moots of the various shires were summoned to some central place by the king, and constituted a *Mycel-gemot*—the Magnum Concilium of the Normans. In the thirteenth century these central conclaves developed into the high courts and

¹ Cf. Gneist, "Constitutional History of England." English translation, pp. 6, 19-20. According to the laws of King Edward, quoted by Inderwick, p. 12, it was to meet once a month.

parliaments which formed the apex of the judicial and administrative system.

Beneath and subordinate to the Shire Moot was the Hundred Moot—the *Court of the Hundred* or Wapentake—trying the smaller civil, Smaller local criminal, and ecclesiastical cases, sitting courts once a month, and possessing its grand jury of freeholders dwelling within the hundred. “The judgment of these courts” says Inderwick, “was therefore that of a man’s neighbours, who knew him from his youth, and could say whether he was a person to be believed upon his oath. And as the parties themselves were their own counsel, the procedure in civil cases must have partaken more of the form of an arbitration than of an action at law.” In addition there were the *Trithing* (or modern Riding) competent to try cases over an area equal to that of three hundreds, and found in the counties of York and Lincoln; the *Lathe Court*, peculiar to Kent, and similar in jurisdiction to the preceding; and the *Court Leete*, which was concerned with the affairs of manors, towns, and cities, and dealt chiefly with criminal causes. Lastly, there was the *Hall-Moot* of the great proprietor, answering to the *Court Baron* of the Norman period, which exercised civil jurisdiction within the manor.

Here, it will be seen, we have at least the rudiments of a system of justice and police, of local self-government and popular representation. The Norman system and English custom Norman and Angevin kings shaped, modified, and extended it, prevented local custom from breeding chaos, enlarged the

peace of the clan and of the Church into the king's peace — centralised, classified, systematised. But the "old laws" of the country were maintained, within these limits—the old Anglo-Saxon customary "dooms" which had come to be known as the "laws of Edward the Confessor." "They modify the old dooms to suit a new age" says Maitland. "They borrow from foreign sources—from the canon law of the Catholic Church, from Frankish capitularies, now and again from the Roman law-books. But in Henry I.'s reign they still regard the old English dooms, the law of King Edward, as the core of the law that prevails in England. As yet the great bulk of all the justice that was done, was done by local courts, by those shire-moots and hundred-moots which the Conqueror and Henry I. had maintained as part of the ancient order, and by the newer seignorial courts which were springing up in every village." It was in Henry II.'s reign that the king's own court "flung open its doors to all manner of people, ceased to be for judicial purposes an occasional assembly of warlike barons, became a bench of professional justices, appeared periodically in all the counties of England under the guise of the Justices in Eyre. Then begins the process which makes the custom of the King's court the common law of England." Maitland is of opinion that Henry II. came just in time to preserve the continuity of our English legal development, and to save English law from being Romanised. "We have been wont to boast," he says, "perhaps too loudly, of the pure 'Englishry' of our common

law. This has not been all pure gain. Had we 'received' the Roman jurisprudence as our neighbours received it, we should have kept out of many a bad mess through which we have plunged. But to say nothing of the political side of the matter, of the absolute monarchy which the Roman law has been apt to bring in its train, it is probably well for us and for the world at large that we have stumbled forwards in our empirical fashion, blundering into wisdom. The moral glow known to the virtuous schoolboy who has not used the 'crib' that was ready to his hand, we may allow ourselves to feel; and we may hope for the blessing which awaits all those who have honestly taught themselves anything." ¹

The unchangeableness and conservatism of English law is more apparent than real, more a matter of feeling and traditional method than of positive enactment. The Provisions of Merton contained the famous words, Training of
national
character
"We will not have the laws of England changed;" but by the time of Edward I. much of the actual content of the old Saxon dooms, of the Norman law books, and even of Henry II.'s "assizes" had been forgotten as written law, to be preserved only in the body of customary law of the realm. But it had done its work in tiding over the transitional stage from barbarism into something like settled order. It had planted in the English character the habit and love of justice, the practice of responsibility, some recognition of the solidarity of society,

¹ F. W. Maitland, in "Social England," i. 280.

of a tribunal open to all, to which grievances could be taken, by which right would be vindicated, and to which all alike must bow. If, in this early period of our national development, it is only too easy to discover the masterful and fighting instincts which have led us into many a needless quarrel and tainted our history with a certain brutal violence, it is also true that we can discern from the first the presence of loftier elements—an awakening instinct for fair-play, a growing desire for just dealing, and the capacity to build up by slow accretions the very implements of civility and legality by which the lower elements of national character are destined to be tamed. The Great Charter, wrested by the barons from King John in 1215 (the very year in which Trial by Ordeal was abolished by the fourth Lateran Council) was in a real sense the foundation stone of the Pax Britannica. It rightly holds the first place in our statute-book and in the affections of justice-loving Englishmen. It was a contract of mutual compromise and mutual obligation—elements essential to all lasting treaties of peace. By it kings, as well as subjects, were brought within the reign of law. “*We will sell to no man, we will not deny or delay to any man, justice and right.*” With these words the rights of civil society were secured for Englishmen. Much has been written of the “decisive battles of history.” Magna Charta was the most “decisive battle” in English history. With its acceptance and confirmation the nation stepped from childhood into man’s estate, and learned that the spirit of accommodation and the endeavour

after justice were the strongest buttresses of the commonwealth.¹

We have shown that throughout the wild early period of our national development the elements of law and order were slowly maturing—
a customary and legal code, a judiciary, Crudity of
early judicial
methods
a habit of discussion, a parliament, an
administration, a rude system of police. As we have seen previously, however, the political conditions of the time constituted an almost ceaseless state of conflict. The moral and intellectual level of society was low. It is not surprising to find that the legal forms of such an age were of the roughest texture. It is a mistake to see in the freeholding “doomsmen” who attended the county and hundred-courts the prototypes of our modern jurymen. The doomsmen were not judges of fact. There was no examination of witnesses, weighing of evidence, or delivery of a reasoned verdict. If the “compurgators” did not agree, or the case were considered of too serious a nature to be settled by the mere record of oaths and counter-oaths, the accused was put to the *Ordeal*, or God’s judgment of fire and water. Recourse was had to the supernatural. Whatever its origin, the Christian Church had adopted this

¹ This view of the significance of Magna Charta is, of course, that of Hallam. Professor Pollard, on the contrary, insists upon its reactionary character, and considers it absurd “to regard Magna Charta as a great popular achievement.”—“The History of England: a Study in Political Evolution,” p. 56.

Whilst it is true that “democracy” and “popular right” are strange terms to apply to English society in the thirteenth century, it seems to the author that the Great Charter is still entitled to its position of honour and fame in the perspective of English liberty.

barbarous form and prescribed for it a solemn ritual. After prayer and fasting the accused was brought into the church. If the ordeal were by cold water, he was tied by thumbs to toes and thrown in. If he sank, he was innocent ; if he floated, he was adjudged guilty. In the ordeal by hot water the hand or arm (according to the gravity of the offence) was plunged into the bowl and a stone picked out. If the limb emerged uninjured it was assumed that heaven had worked a miracle to prove the innocence of the accused ; if not, he was held guilty. Another form of the ordeal was to lift the red-hot iron and carry it three paces. The hand was then bound, and after three days uncovered. A blister proved guilt, a clean wound innocence. Other forms of the ordeal were walking between red-hot ploughshares, or swallowing a piece of bread taken from the altar—which bread had a way, not unnatural in the circumstances, of sticking in the throat.

The Normans brought with them their own special form of ordeal—the judicial combat, or *Ordeal by Battle*, which they had inherited from their Scandinavian ancestry. We have an actual record of such a duel (illustrated by a rough drawing) in an assize roll of the time of Henry III., stating that Walter Bloweberme having accused Hamo le Stare of larceny, “the battle between them is struck. And the said Hamo has been defeated. Therefore to judgment against him,” etc.

The duel, or ordeal by battle, was not abolished as a legal process till as late as George III.’s reign (1818), although it had long previously come to

be denounced by the Church and gradually repudiated by the people. The older forms of ordeal, as practised by the Anglo-Saxons, did not cease until the reign of Henry III. The cold-water ordeal was even used in cases of suspected witchcraft, well into the eighteenth century.

The germ of our modern jury-system, in the opinion of Maitland, is to be found in the "Inquest" or inquisition held by the officers of the Frankish kings, whereat men were forced to swear that they would return true answers to whatever questions they might be asked in the king's name. This sworn declaration of truth constituted a verdict as to the fact. If, however, the jury system was derived originally from the Frankish inquests, it was on English soil that it took root, and ultimately it became distinctive of British civilisation. It was by the use of the "inquest" that William I. was able to complete his Domesday Book. Under Henry II.¹ this royal prerogative was put at the disposal of all, and thus the crude methods of procedure in the older courts came gradually to be superseded. "Before the twelfth century was at

¹ Henry II., says Professor A. F. Pollard, in his recent brilliant sketch of English history, "stands second to none of England's makers. He fashioned the government which hammered together the framework of a national state. . . . He cashiered all the sheriffs at once, to explode their pretensions to hereditary tenure of their office. By the assize of arms he called the mass of Englishmen to redress the military balance between the barons and the crown. By other assizes he enabled the owners and possessors of property to appeal to the protection of the royal court of justice; instead of trial by battle they could submit their case to a jury of neighbours; and the weapons of the military expert were thus superseded by the verdicts of peaceful citizens. This

an end, the inquest in one form or another—sometimes it was called an assize, sometimes a jury—had become part of the normal procedure in almost every kind of civil action. Still there long remained many cases in which a defendant could, if he chose, reject the new-fangled mode of trial, and claim the ancient right of purging himself with oath-helpers, or of picking up the glove that the plaintiff had thrown down as a gage of battle.” Even the cleric would sometimes choose this alternative. The privileged citizens of the boroughs often did likewise, preferring to trust their fortunes to the old methods, which were likely to favour them, rather than to the new, which put citizens and non-citizens on a common footing. “In the old communal courts, too, the county and hundred-courts, where the land-owners of the district sat as doomsmen, trial by jury never struck root, for only by virtue of a royal writ could a jury be summoned; this is one of the reasons why those old courts languished, decayed, and became useless. However, before the Middle Ages were over, trial by jury had become the only form of trial for civil actions that had any vitality.”¹ At first the jury was always made up of the neighbours of the litigants who knew the facts. This, in time, became difficult to continue; and so by gradual

method, which was extended to criminal as well as civil cases, of ascertaining the truth and deciding disputes by means of *juratores*, men sworn to tell the truth impartially, involved a vast educational process. Hitherto men had regarded the ascertainment of truth as a supernatural task, and they had abandoned it to Providence or the priests.”

¹ Maitland in “Social England,” i. 289.

steps the jury took (by the fifteenth century) much the form in which we know it to-day. In criminal cases, also, the indictment gradually took the place of the old "appeal" or private accusation. In the thirteenth century the indictment before judge and jury was usually substituted for the trial by combat.

The jury of the Middle Ages was a very imperfect instrument of justice. The jurors were freeholders, and the ordinary malefactors were not. Criminals very frequently went uncaptured. Murder and robbery were very rife. Life was very insecure. It is evident that the struggle between law and lawlessness, between justice and violence, within the boundaries of our own land, must yet continue for many generations. At the same time, order and legality had won a footing. The instruments of justice were rough and imperfect as yet; but their worth was beginning to be understood—they would be sharpened and perfected by the progress of general culture, enlightenment, and social experience.

The methods invented by the Church to create areas of peace and security in the midst of the surrounding violence, were but rough- The Right of
Sanctuary and-ready means of combating disorder, staying the hand of vengeance, and giving honour and privilege to professions other than the pursuit of arms. The Church's *peace* helped to suppress the violence of the blood-feud, but it came ultimately to be absorbed into the King's *peace*, partly because the latter was more powerful a restraint and protection, and partly because the former was too little

disinterested to maintain the popular consent upon which its authority depended. The institution of the Right of Sanctuary was a valuable stay against the supremacy of brute-force in primitive society. Until the machinery of justice had grown strong and capable enough to secure the person of the accused pending the issue of a fair trial, it was a gain to society that reverence (or fear) of the *holy place* afforded a safe sanctuary against lynch-law. In the Middle Ages the custom of sanctuary was almost universally observed. At Walsingham, it was said, the "Knight's Gate" had stretched itself miraculously to give shelter to a man on horseback pursued by his enemies. At Durham, the bronze sanctuary knocker which still survives witnesses to the Church's power in Norman times, and the fame of St Cuthbert's protection. At Beverley Minster was a peace-chair, or *fridstool*, bearing the inscription, "This stone seat is called the *freedstoll*, that is, chair of peace, on reaching which a fugitive criminal enjoys complete safety."¹ As soon as society became more settled, the gains of the sanctuary system became less conspicuous than its abuses. Wyclif was one of the foremost in demanding its suppression. The commons, in the later fourteenth century, complained to the king that rascally apprentices, tradesmen in debt, and common thieves were in the habit of fleeing to sanctuary in the church of St Martin-le-Grand, in London, and

¹ The records of those who sought sanctuary at Beverley and Durham down to the fifteenth century are still extant, and have been printed by the Surtees Society.

remaining there to the enjoyment of the money they had stolen. In the reign of Richard III. the Duke of Buckingham complained that the sanctuaries at Westminster and St Paul's were used for similar nefarious purposes. "What a rabble of thieves, murderers, and malicious heinous traitors! . . . Men's wives run thither with their husbands' plate, and they say that they dare not abide with their husbands for beating. Thieves bring thither their stolen goods, and there live thereon. There devise they new robberies; nightly they steal out, rob and reve, and kill, and come in again as though those places gave them not only a safeguard for the harm done, but a license also to do more."¹ After the introduction of the Reformation into England, the repute in which sanctuary was held declined. Sanctuaries were officially suppressed by James I. in 1624; but a few lingered on, the asylum of St Peter's at Westminster not being abolished until the reign of George I.² The system which had been a useful check upon lawless violence and retaliation in the days before established order had been secured, became a parody and abuse of justice so soon as an efficient legal habit had come to birth.

Just as the Right of Sanctuary came to be a fraud upon justice, so also did "Benefit of Clergy" develop into one of the worst evils of society. It was part of the system by which, after the Norman Conquest, the clergy had

¹ Sir Thomas More's "History of Richard III."

² A street in Westminster, opposite the Abbey, is still called "The Sanctuary."

constituted themselves a separate and privileged caste. This at first was a necessary and even beneficial safeguard against the violence of the feudal age. Against the arms of knight and baron the Church defended itself with the weapons of superstition. Despairing at the chaotic state of feudal Europe in the eleventh century, Pope Hildebrand sought to create a great spiritual autocracy which should compass that unity and order of Christendom which the secular forces of the age were unable to achieve. The Church, for a time, was able to humble kings, impose its "Truce of God" on a lawless baronage, raise its own taxation, administer its own justice. Even Henry II., through his foolish persecution of Becket, had to own defeat in his effort to destroy the separate privileges of the ecclesiastical courts. But corruption, forgery, and greed brought this system to an end within a few generations. In Wyclif's time the best elements within the Church itself revolted against the prevailing clerical immorality and incompetence, and the seeds of the Reformation were sown. The redemption of society was not to be achieved by the separation of a clerical caste from the general life of the nation. The general administration of justice passed from the hands of the clergy into those of trained lawyers. The ecclesiastical courts suffered a steady diminution of power in their contest with the state, until Henry VIII. reduced them to virtual impotence. The privilege of "benefit of clergy" led, in the period of the Church's decadence, to a shameless exemption from punishment

of ecclesiastics guilty of notorious crimes and immoral living, and so its exercise was, step by step, diminished, until the practice fell into desuetude. By the 25 Edward III. c. 4. the person of the king was exempted from those against whom clerks convicted of treason or felony could plead benefit of clergy. The statute 4 Henry VII. c. 10. forbade all clergy *if within minor orders* to plead privilege in charges of murder, robbery, etc. more than once, and ordered even first offenders to be marked with a symbol of their crime. By the 12 Henry VII. c. 7. those in minor orders were not allowed clergy for murdering or attempting to murder the king. The 4 Henry VIII. c. 7. extended this enactment to all murderers and robbers with violence, who held minor orders. In 1532 the Reformation Parliament passed an act forbidding anyone under the degree of subdeacon to plead the privilege of his clergy if proved guilty of felony. Ecclesiastical jurisdiction was subordinated to the temporal power. The Acts 28 Henry VIII. c. 1., 1 Ed. VI. c. 12., and 1 Ed. VI. c. 13., further limited the privilege. Not, however, until quite modern times was the old custom of Benefit of Clergy entirely swept away. In effect the royal prerogative became supreme over ecclesiastical jurisdiction from the times of Henry VIII. The Church's *peace* was absorbed into the King's *peace*.

A force that was destined to have a decisive influence in the counsels of the nation, and to exercise it, on the whole, on the side of order, Growth of
good government, and ultimately of English towns
international as well as internal peace, was slowly

arising throughout the period with which we are dealing—the English towns. The municipal life and commerce of Roman Britain was obliterated by the English conquest. The towns of the Anglo-Saxon period were little more than large, stockaded villages; though London seems to have attained to some commercial importance. At the time of Domesday (1086) the whole of the town population of England (according to the estimate of Professor Ashley) did not amount to much above 166,000. In 1066, the year of the Norman Conquest, about 92½ per cent. of the population dwelt in the country, and only about 7½ per cent. in the towns. How different the conditions are to-day we may realise from the fact that in 1901 the rural population only numbered 23 per cent., as against 77 per cent. of urban dwellers. Indeed, the English population may be said to have been almost entirely agricultural until the thirteenth century. The Danes had, however, infused a fresh commercial activity into the towns in which they settled. With the coming of the Normans began a close connection with the Continent, from which the prosperity of the towns in the south and east of England, and through them the general trade of the country, grew. “From the time of William Rufus” says Hallam¹ “there was no reign in which charters were not granted to different towns, of exemption from tolls on rivers and at markets, those lighter manacles of feudal tyranny; or of commercial franchises; or of immunity from the ordinary jurisdictions; or

¹ “Middle Ages,” chapter viii., part 2.

lastly, of internal self-regulation." Throughout the eleventh to the thirteenth centuries there continued in the urban centres a struggle for chartered liberty, and many of these charters were won by payments to king or lords during the progress of the Crusades. Stimulated by the presence of foreign traders, a busy commerce was fostered; and merchants and men marshalled themselves into guilds which, however narrow their aims and policy, served at least to increase the elements of order and rule in the largest centres of population. The poverty of King John enabled a number of towns to buy from him the right of choosing their own magistrates. By the time of Edward I. the towns were strong enough to be privileged to send representatives to the newly-formed Parliament. The growth of civic prosperity made for a growth of popular liberty. "The Londoners" says Hallam,¹ "were always on the barons' side in their contests with the crown. They bore a part in deposing William Longchamp, the chancellor and justiciary of Richard I. They were distinguished in the great struggle for Magna Charta; the privileges of their city are expressly confirmed in it; and the mayor of London was one of the twenty-five barons to whom the maintainance of its provisions were delegated."

The local aristocracies of wealthy burgesses who governed the English towns in the Middle Ages for their own profit, were frequently narrow, Their influence harsh, and insular in their policy. The pacific apprentices and workers were often turbulent and

¹ *Ibid.*

lawless. Nevertheless the growth of the towns was a factor in English civilisation making steadily towards internal peace, order, and good government. According to Fitz-Stephen, London alone had 139 churches within its walls in 1174. The influence of these, concentrated within the limits of a town, tended to soften the manners of a rough age, to encourage education and learning, to set up a standard of mutual help and social aspiration. The growth of commerce diverted the thoughts and activities of an increasing section of the population from the excitements of war and the chase to the more solid satisfactions of civil prosperity. Even the anti-alien feeling, which was so prominent a feature of the politics of the town and merchant-gild (a strange disease in a people of such various origin) was but a stage of youthful ignorance, destined to decrease as the true principles of commercial prosperity came to be better understood. The towns took no mean share in the warlike burdens of the time. They supplied a fleet to William the Conqueror for use against Scotland in 1072, another to Henry I. in 1099, against his brother Robert. Their wealth filled the royal coffers and financed many a warlike adventure. Sinking into relative decay during the anarchy of the Wars of the Roses, the towns rose again to increased prosperity and power during the period of commercial expansion under the later Tudors. They furnished the state with that solid middle and trading class which has been the steadiest and surest element in its midst making for liberty, toleration, progress, and order.

Having learned in a hard school that peace within their city walls was essential to their comfort and prosperity, they became a potent instrument for the overthrow of misrule and anarchy throughout the whole territory of the king. In entertaining the municipal leaders of France, Germany, and Belgium in our own day, and associating themselves with the movement for international arbitration, the civic authorities of our great towns are showing their recognition of the truth that, for a nation of busy traders and workers, war is the greatest of evils, and the greatest interest of all is peace.

Having dealt, thus far, with the progress of law and order on land, a word must be said, in conclusion, of the mediæval conception of maritime Beginnings of maritime law peace. There was a considerable merchant navy sailing from English ports as early as the time of Edward the Confessor, and there had been the beginnings of a war-navy since the reign of Ethelred the Unready. The Cinque Ports supplied their regular quota of fighting vessels, in return for substantial civic privileges. The Conqueror raised a new English fleet, and used it in 1071 and 1072. "It would be idle to deny" says a recent naval writer¹ "that the maritime population of England was at this period wild and lawless in the extreme, and that the coasts, even in times of nominal peace, were generally unsafe for honest people. The King was supposed to protect the narrow seas from the depredations of pirates and robbers, and, in part return, he received certain dues and tolls,

¹ W. Laird Clowes, in "Social England," i. 308.

and all the fish known as 'great' or 'royal' that were caught or stranded within his dominions. . . . Whether the early Norman sovereigns also arrogated to themselves the dominion of the seas is doubtful. It was the object of Seldon, Prynne, and the learned jurists of their day to make it appear that our kings had done so almost from time immemorial; but it is more than suspected that some of these lawyers strained, if they did not invent, facts to substantiate their conclusions; and there is little ground for belief that the dominion of the seas was ever formally claimed for this country before the days of John. It is certain, in any case, that the seas and coasts were very badly policed, and that, if pretensions to maritime sovereignty were cherished, the kings did little or nothing towards the practical assertion of them. The narrow seas swarmed with freebooters of several nationalities; and the shores, unlighted and unbuoyed, were rendered the more dangerous by the fact that those who lived upon them were pirates and wreckers. Only in a few of the larger ports were the laws observed. Elsewhere might was right."

The first Admiralty Ordinance, dealing with the subject of wrecks, was issued by Henry I. Henry II. began the series of Navigation Laws, regulating maritime trade. In the reign of Richard I. we have the first laws for the government of the English fleet. These ordinances, issued from Chinon in 1190, set forth a code of quaint punishments for crime upon the seas, and commanded obedience to the captains of ships. Richard also confirmed, though

he probably did not originate, the so-called "Laws of Oleron"—an elaborate code of forty-seven articles, providing for most of the usual contingencies of merchant trade and discipline on ship-board.

The reign of King John marked a great advance in the organisation of a fleet, with regular pay for the men, and pensions where necessary. According to Selden, King John was the first to lay claim to the sovereignty of the seas. This claim rests upon a supposed ordinance, commanding all vessels whatsoever to strike their sails on meeting the king's ships, on penalty, for refusal, of confiscation. Whether the claim be well-founded or not, it seems certain that the narrow seas were now policed better than ever before, and that the naval pretensions of England were rapidly rising.

Under Henry III. (a memorable event of whose reign was the introduction of the mariner's needle or compass) the Cinque Ports rose to great power, as depositories of Admiralty jurisdiction, and providers of a war-fleet for use against the king's enemies. They abused their privileges by indulging in piracy on a large scale, and set an example of lawlessness which was all too readily followed along the Channel coasts.

"When Edward III.," writes Inderwick,¹ "after the battle of Sluys (A.D. 1340), obtained the sovereignty of the sea, he found it necessary to extend that sovereignty by erecting a court to keep the *Peace of the Seas*, as his Courts of Common Law kept the King's peace on land.

¹ "The King's Peace," p. 98.

And accordingly we find a memorandum issued by Edward III. requiring that the Justiciaries should be consulted as to the proper mode of proceeding, so as to secure the ancient supremacy of the crown and the power of the Admiral's office over the sea of England, so as to 'maintain peace and justice amongst the people of every nation passing through the sea of England.' The result of this inquiry was, that a High Court of Admiralty under the Lord High Admiral of England was established, and that in the reign of his successor, Richard II., laws were passed giving a distinct and statutory authority to the Court of the Admiral, which from that time forward has exercised its jurisdiction " (with reservations in favour of the Cinque Ports) " over all causes, matters, and persons maritime." The famous *Black Book of the Admiralty* contains a statement of principles to guide the new authority, and forms a complete compendium of the maritime law or practice of the period.

The activities which we have sketched, in brief outline, in this chapter, constitute, it must be confessed, a not unimpressive picture. Beginnings of law and order At every point of the national life we see law and order gaining ground, slowly but surely, from the surrounding violence, lawlessness, and rapine. The best elements of Anglo-Saxon civilisation—its rude system of local government and local jurisdiction, its ancient dooms, its rough adumbrations of a trial by jury—were carefully preserved. Though, as we shall see in the following chapter,

the evils of feudalism were great, and the lust of foreign conquest entered into the English blood—the anarchy of the pre-Conquest period was brought to an end, and the king's peace, such as it was, spread throughout the whole country. The great administrative system built up by Henry I. and Henry II. touched all the subjects of the crown with some sense of obligation and feeling for authority. The old customary law was declared, and became the Common Law of the realm. The Curia Regis gave place to the Common Law Courts of the King's Bench and Common Pleas. The Chancellor, next in importance to the King, stood at the head of a system of equitable jurisdiction. The law came to be administered by trained lawyers, instead of by nobles and priests. The doctrine of the irremovability of judges was propounded. Trial by jury superseded the cruder methods of old, in both civil and criminal cases. The counties received justice through Justices of the Peace and Quarter Sessions. The law itself was codified by learned jurists, and its practice became an honourable and learned profession. The Great Charter caused the cry for liberty and justice to resound throughout the land. The famed fabric of our Parliamentary institutions came to birth, and a rich crop of legislation was garnered by Edward I., the wisest and most English of our early kings. The moving finger of law touched even the sea-life of the descendants of the Saxon, Danish, and Norman pirates. An increasing proportion of the population busied themselves with the peaceful tasks of trade and

commerce. Learning, literature, and religion revived. Education began to be cared for. Life both in town and country became somewhat more settled, and liberty somewhat less precarious.

Many dark features of ignorance, bigotry, and injustice survived the period of which we are speaking. The nation had still to pass through a long agony before the cruelty of king, prelate, or noble, the lawlessness of the streets and roads, the rough methods of justice, and the inherited worship of physical force, were abated. The French wars and the peasants' revolt were still to cast their shadow over the happiness of England. Fierce religious fanaticism, the lust of territorial aggrandisement, and the arrogance of a martial nobility were still unquenched. But we are conscious, amidst all these reservations, that the hopeless tumults of the past will now come to an end. The seeds of a free and law-abiding nation have been planted. If, as yet, we can scarcely venture to say that the wings of the Angel of Peace have moved over the land, we can at any rate be certain that a welcome is preparing for her, and that the silken strands have begun to be woven which will be strong enough to bind and hold the old anarch of internal strife.

CHAPTER IV

THE FEUDAL PHASE : WALLS, CASTLES, AND ARMS

A HEALTHY corrective of the pessimism, real or assumed, with which the ardour of the international peacemaker is often confronted, may be found in the solid tale of pacific achievement inside our national borders. A peace-survey of Old England

It may be suggested that a peace-survey of Old England should be made a compulsory "subject" in the curriculum of all our schools. An illuminating study might be made of the disappearance of military walls and castles, of arms and armour—the former from the length and breadth of our country-side, the latter from the limbs of our people. The line of the Roman Wall, or of Offa's Dyke along the Welsh border, might be made the scene of a delightful holiday tramp, or (if our schoolboys are "Boy Scouts") of a pleasant camping excursion. Along the whole length of these ancient redoubts the alarms of war have passed away, the murderous conflicts of the past are forgotten, and, secure under the reign of law and order, the farmer pursues his peaceful and productive industry. In the same way have the walls which encircled our mediæval towns crumbled, with few exceptions, into dust. In the quaint and beautiful cities of York and Chester

they remain to remind us of the past, and form agreeable promenades from which the city sights may be viewed. In Canterbury, where in 1011, Roger of Howden tells us, "the Danes cast the English people from the walls," some six or seven turrets of the later Norman wall alone are left along with the imposing West-gate, completed by Archbishop Simon of Sudbury in 1380. These, with the Dane-john, the ruins of the Norman keep, and a portion of the city moat (now transformed into an ornamental garden) remain, along with the pre-historic implements and weapons preserved in the Museum, to recall a buried past. In the case of London, the names of the openings in the old wall have become familiar as stations on the Underground Railway (Moorgate, Bishopsgate, Aldgate). The city itself has burst through these feeble limits, and swept like a flood over miles of the surrounding country. It is the same story everywhere. At Norwich, on the Castle Hill, the splendid Norman keep has been used, within living memory, first as a prison, then as an art gallery and museum. The venerable remains of Harlech, Carisbrooke, Corfe Castle, Kenilworth, Conway, and a hundred other mediæval fastnesses are overgrown with ivy, their floors carpeted with grass, harmless places of pilgrimage for the tourist and holiday-maker. The visitor to Scarborough, though he can still see the remains of the old castle, high up the cliff, is seldom aware that the town was once walled, for all traces of the old defences have now vanished. The Tower of London—grim scene of many an historic tragedy—

still survives the age which it represents, like the fossils of a primeval time. But the defences of London Bridge have vanished; the New Castle is no longer needed to guard the crossing of the Tyne; only an ill-informed sentiment regrets the passing of the outlaws from the glades of Sherwood Forest, the borders of our highways, and the mosses, heaths, and commons around our great cities. The vast majority of our countrymen are wisely content to live and die without ever having handled a deadly weapon. The country is disarmed: the Pax Britannica reigns supreme, at least within our own borders. Any regret that exists for the "good old times" is mostly the product of a fraudulent misrepresentation of our history. The age of armour, castles, and walls was an age of much license and brutality. The social ailments of our own time are serious enough, but we are at least well rid of the ruthless fury, the gross appetites, and the false standards of honour and gentility with which the name of Feudalism has come to be associated. To some features of this feudal phase of our national development we must now turn.

Feudalism has been described by a recent writer¹ as "the negation of all that we hold to be most important in the conception of the state and citizenship." It may be defended, Feudalism perhaps, on grounds similar to the apologies for "fagging" in public schools, as a stage of salutary chastening and discipline; but it is to be noticed that this defence is usually made by those who are

¹ H. W. C. Davis, "Mediaeval Europe," 1911. p. 93.

enjoying the best of the transaction, or have escaped its indignities. Serfdom and vassalage constitute, it is true, some kind of an organisation of society ; but the heavy hand of a military caste is one of the crudest and roughest instruments of government. If the feudal system was created to secure order amongst the barbarians who swept over the Empire, it led, in its turn, to a chaos almost as bad as that from which it emerged. " If this system," says the same author, " had developed to its logical conclusion, if the principles of feudal government had not been mitigated by revolt from below and interested tyranny from above, the only possible end would have been a state of particularism and anarchy compared with which the Germany of the fifteenth century or the Italy of the eighteenth, might be called an earthly paradise." ¹

Owing to the wise precautions of William the Conqueror and his successors, feudalism was not so far developed in this country as in France and Germany. There the conditions were bad indeed. The Church endeavoured to limit the frequency of private war between feudal owners by its proclamation of an occasional *Treuga Dei*, or Truce of God. By this protection was afforded to non-combatants, agriculture was somewhat safeguarded, and private hostilities were suspended during the week-ends and on holy-days. In Germany the emperors developed the system of the *Land peace*, a kind of self-denying ordinance forbidding a private war within a single province, or occasionally through a wider

¹ *Ibid.*, p. 94.

area. Frederic Barbarossa in 1152 and Frederic II. in 1235 enacted a general land peace of a broader and more legal type. These efforts prove that the great evils of feudalism were recognised in the Middle Ages; but they were not sufficiently sustained to effect their object of reform.

Feudalism has been described as the "connecting link between purely patriarchal and purely political society" ¹ It was the binding together of personal and territorial relations for the purpose of mutual defence. Many of the germs of feudalism existed in England before the Norman Conquest. The constant warfare had produced a growing inequality in rank, and in the tenure of land and property. The king had come to be regarded more and more as lord of the land. The process of "commendation" to an overlord rapidly increased in the ninth and tenth centuries. Since Alfred's day, every man has had his lord. Territorial jurisdiction made large inroads upon the old free courts, and a considerable development towards the later manorial system was achieved. But fully developed or seignorial feudalism was by no means reached in England in the pre-Conquest period, and although military tenure rapidly increased in the century from 1066 to 1166 (by which date the Knight's Fee system was complete), the Conqueror took good care that political feudalism as he had known it on the Continent should never get the upper hand on English soil, and except in the case of Stephen's reign, the barons were never allowed

William the
Conqueror's
compromise

¹ Edward Jenks, "A History of Politics," Dent, 1900.

by William and his successors to be little kings in their own fiefs. William had learned the evils of a turbulent and unbridled baronage before he landed upon our shores ; and though he parcelled out his vast confiscations among his chief followers he took care to scatter the new holdings in such a way as to secure himself against a too-powerful vassal, to retain an enormous territory within the royal grasp, to preserve the old English local institutions and courts as well as the Fyrd or national militia, to abolish the great earldoms, to establish a supreme royal court of justice, and to compel a universal oath of fealty to the crown. The monarchy remained a national one. Military feudalism was indeed organised in England under the Normans, but by these wise safeguards the worst effects of feudal anarchy were escaped and some balance of political, military, and social power was secured. The monarchy and the baronage were not unequal opponents, and by siding first with one and then with the other the commonalty were able to secure substantial additions of political power, economic enfranchisement, and personal liberty. Some of the influences which helped to dissolve the harsh rigidity of this military settlement we have sketched in the preceding chapter.

That the establishment of feudalism in our country was not without some compensating advantages is a truth which should not be overlooked, although its evil aspects will properly be emphasised in this chapter. It abated the roving habits of a new immigrant

The compen-
sations of
Feudalism

population and afforded some protection against the bandit and marauder. If it tied the peasant to the soil, it at least brought the soil into more regular and systematic cultivation. Under the shelter of the baronial castle the township was able to develop in relative security, and the Church and market could carry on their peaceful traffic. Once grown more stationary, society could be trusted to improve, through the steady influence of close fellowship and the natural play of economic forces. Not all the barons were greedy and ferocious tyrants, and the amenities of local life must in many cases have gained from the personal touch of the common people with lord, lady, and priest. Agriculture and trade rapidly developed with the settlement of the population in fixed localities. Buildings improved, and the graces of architecture and art had opportunities of exerting their beneficent influence. Local patriotism called forth the desire for order, decency, and beauty as well as for wealth and prowess. All classes, from the king to the serf, were bound together by mutual obligations which, however unequal in incidence, created some common feeling of kindred and responsibility. There was some time, when the day's work was done, for sport and local merriment. Occasionally there was freedom to be won, and a town hard by the manor where some scope was offered to ambition. These were the compensations which a form of social settlement admittedly so imperfect as feudalism must have brought in its train.

Whilst, however, it is just to acknowledge these

more favourable aspects of the post-Conquest settlement, it can scarcely be contended
Its darker side that the lot of the common people was a happy one under the English form of feudal authority. The country was held down by a ruthless garrison, sitting firm in impregnable fortresses. On the Welsh border, and in other unsettled parts of the country, the Conqueror was constrained to accept, for his own sake, an unmitigated feudalism, and this portion of the baronage exercised, within their own area, sovereign powers. The repelling of Scotch and Danish raids, and the perpetual strife in the French dominions of our new rulers, caused heavy exactions to be laid upon all classes of the people; and to the evils of conquest were added the frequent visitations of fire, pestilence, and famine. The compiler of the Anglo-Saxon Chronicle, under the year 1087, laments: "Oh, how disastrous, how rueful were those times! when the wretched people were brought to the point of death by the fever, then the cruel famine came on and finished them. . . . The King and the chief men loved much, and over much, to amass gold and silver, and cared not how sinfully it was gotten, so that it came into their hands. And the King cared not how iniquitously his sheriffs extorted money from the miserable people, nor how many unlawful things they did. And the more men spake of rightful laws, the more lawlessly did they act." Fires were of such frequent occurrence, that the chronicler adds "almost all the principal towns of England were burnt down." He writes to a like effect of the reign of Rufus,

“all that was abominable to God and oppressive to men was common to this island in William’s time : and therefore he was hated by almost all his people.” Henry I. was a better and wiser king, but even of his reign we are told, “It is not easy to describe the misery of this land, which it suffered at this time through the various and manifold oppressions and taxes that never ceased or slackened ; moreover, wherever the King went his train fell to plundering his wretched people, and withal there was much burning and manslaughter.”

The oppressive evils of feudalism reached their height during the reign of Stephen, the weak successor of Henry I. “In this King’s time,” Feudal anarchy under Stephen says the Chronicle, in its closing pages, “was all discord, and evil-doing and robbery.” The barons “took to their castles, and held them against the King.” “Every rich man built his castles, and defended them against him, and they filled the land full of castles. They greatly oppressed the wretched people by making them work at these castles, and when the castles were finished, they filled them with devils and evil men. Then they took those whom they suspected to have any goods, by night and by day, seizing both men and women, and they put them in prison for their gold and silver, and tortured them with pains unspeakable. They hung some up by their feet and smoked them with foul smoke ; some by their thumbs, or by the head, and they hung burning things on to their feet. They put a knotted string about their heads, and twisted it till it went into

the brain. They put them into dungeons wherein were adders, and snakes and toads, and thus wore them out. . . . Many thousands they exhausted with hunger. And this state of things lasted the nineteen years that Stephen was king, and ever grew worse and and worse." Stephen's reign saw feudal anarchy and the unbridled savagery and rapacity of militarism at their height, and left a memory of suffering and injustice in the minds of Englishmen which will never fade.

The masterful Henry II. aimed heavy blows at his lawless baronage. By his Great Scutage of Henry II.'s 1159, commuting for a money-payment restraints the personal services due from them to the king, he at once limited their practice in arms, and acquired the means to pay mercenary soldiers in their stead, thus securing a double diminution of their military power. By his legal reforms he laid the foundation of that elaborate juridical organisation which was to prove an efficient substitute for the rough "peace by force" which was the utmost in the way of social security that a military feudalism could ever attain. The national militia, reorganised by his Assize of Arms (1181) brought the people a share of the rights and privileges, as well as the common burdens, due to those responsible for the national defence.

The building of stone castles, so strong that they could only be reduced by the process of siege and starvation, had been commenced by The age of castles the Conqueror. Gundulf had, by his orders, started the erection of the Tower of London, whose object was to overawe, rather than to defend,

the capital. About the same time strong Norman keeps were built at Colchester, at Heddingham, in Essex (by the De Veres), at Norwich (1120-1140), and Rochester. Similar strongholds followed at Bristol and Bath, Bridgenorth, Ludlow, Chepstow, Sherborne, Devizes, Old Sarum, Sleaford, Banbury and Newark, Porchester and Norham. Bamborough, Newcastle, and Cardiff speedily took up the tale. In Stephen's reign they sprang up like mushrooms. Henry II. found a way of abating the evil by ordering a "quo warranto" enquiry, as to which of the castles of which "the land was full" were "adulterine." Those which came under this category, *i.e.* were unable to produce proper castellar rights, he destroyed. Nevertheless, "the reigns of all the kings of this period were chronically disturbed by sieges of unruly subjects in their strong towers. But the greatest of the castles were now under the king's castellans, who were carefully chosen from his trusted supporters. For the subjugation of Wales some 250 castles and castellets are reckoned to have been in existence by the end of Henry II.'s reign, and in England, 657 in all by 1189."¹ It must be granted that this was not an illiberal allowance for a population numbering in all less than two million souls. That the evils springing from this excessive endowment of military pre-eminence were (as Hallam insists) less both in extent and

¹ "Mediaeval England," by Mary Bateson, 1903, pp. 183-4. According to Bright ("History of England" i. 90), the number of castles at the end of Stephen's reign has been estimated as high as 1150, though this may be a misreading of letters meaning 350.

duration than those of Continental feudalism, must not blind us to their grave reality.

Two effects, remote but direct, of the conquest of England by a foreign feudal soldiery, and its government by foreign kings, may properly be dealt with in this chapter. The first was the Hundred Years' War ; the second, the Wars of the Roses. In each of these the military temper and the military view of life had free play. They may be coupled, along with the outbreak of feudal anarchy in Stephen's reign, as perhaps the most terrible episodes of our national history since the Norman Conquest. They mark, also, a successful reaction against the new restraints of law and order which had been growing up, but which proved to be in advance of the public sentiment of the time.

(I.) There is no need to narrate here, save in the briefest outline, the story of our mediæval struggle for an empire in France, which is to be found in all the history books. If France gave us the kings and governing classes who built up the fabric of our national unity with such strong ability, but at so heavy a cost, it cannot be questioned that we returned the gift in kind. Our Norman kings spent much of their time fighting in their French possessions, which included the important provinces of Normandy and Maine. The Conqueror himself was born at Falaise, died at Rouen, and was buried at Caen. The dominions in France directly governed by our Henry II. included Anjou and Touraine, as well as Maine and

Normandy ; whilst, in addition, Brittany and Poitou, Guienne, Auvergne, Toulouse, and Aquitaine were dependent on his authority. For a quarter of a century he was master of more than half of the territory of modern France. Like Norman William, he was born and died on French soil. "Hardly a building in his realm preserves the memory of Henry II. ;" writes Green,¹ "Richard is a mere visitor to English shores ; Beaulieu alone and the graven tomb at Worcester enable us to realise John. But along the Loire these Angevin rulers meet us in river-bank and castle, and bridge and town. Their names are familiar words still through the length and breadth of the land. At Angers men show you the vast hospital of Henry II., while the suburb around it is the creation of his son. And not only do the men come vividly before us, but they come before us in another and a fresher light. To us they are strangers and foreigners, stern administrators, exactors of treasure, tyrants to whose tyranny, sometimes just and sometimes unjust, England was destined to owe her freedom. But for Anjou the period of their rule was the period of a peace and fame and splendour that never came back save in the shadowy resurrection under King René."

Richard I., like his father, met his death in France. Under John, Normandy passed from the English to the French crown (1206), and but a few towns south of it were left in English possession. The overthrow

¹ J. R. Green, "Stray Studies from England and Italy," p. 312-3. Macmillan & Co., 1892.

of John's ambitions in France was no inconsiderable factor in our own national development, for the victory of Philip at the Battle of Bouvines (1214) secured the cession of English liberty at Runnymede. Not for the only time in our history was war's extremity peace's opportunity.

Between the death of John in 1216 and the outbreak of the Hundred Years' War (1336-1431) the consolidation of the English nation, and in a less degree that of France, had been notably advanced. It was a time of freshly budding life for the towns, the universities, for religion, commerce, and constitutional liberty. Upon all this a deadly blight soon descended. "No age of our history" says the historian Green, "is so sad and sombre as the age we traverse from the third Edward to Joan of Arc. . . . The towns sank into close oligarchies; the bondsmen struggling forward to freedom fell back into a serfage which still leaves its trace on the soil. Literature reached its lowest ebb. The religious revival of the Lollard was trodden out in blood, while the Church shrivelled into a self-seeking secular priesthood. In the clash of civil strife political freedom was all but extinguished, and the age which began with the Good Parliament ended with the despotism of the Tudors. The secret of the change is to be found in the fatal war which for more than a hundred years drained the strength and corrupted the temper of the English people."

The immediate causes of the struggle were the

efforts of Philip IV. of France and his successors to lay hands on Guienne, the last remaining portion of the French patrimony of our royal house ; the intrigues and alliances of the French monarch with the Scots ; and lastly, the strained and artificial claim of Edward III to the French crown. After a fruitless attempt ¹ to range the princes of the empire and the forces of the Netherlands in an overwhelming league against Philip of Valois (Philip VI. 1328-1350), and a decisive victory over the French fleet at Sluys (1340), Edward landed at La Hogue, with 30,000 men, in 1346. His object was, probably, by landing in Normandy to draw the French away from Guienne, where the Earl of Derby was hard pressed ; but Froissart hints at other motives, which were characteristic both of the man and the age. Godfrey Harcourt drew his attention to the rich spoils that might be won in Normandy, and the young king, ready for any knightly adventure, and overwhelmed (as he was throughout his reign) with financial trouble, eagerly listened to him. "Sir," said Harcourt, "the country of Normandy is one of the plenteous countries of the world. There ye shall find great towns that be not walled, whereby your men shall have such winning that they shall be the better thereby twenty years after." ² So to Normandy they went.

At the little village of Cressy the superior tactics

¹ All his allies left him in 1342. Green sees in Edward's system of making himself paymaster of a Continental league against France an anticipation of the later policy of Godolphin and Pitt.

² Froissart, ch. 121.

of the English leaders, the valour of the Black Prince (who "won his spurs" on that famous field), and the fearful efficiency of the English archery, backed by dismounted men-at-arms, against the mounted chivalry of France, enabled Edward to inflict a crushing defeat on a force six times greater than his own. Eleven French princes, 1200 knights, and 30,000 footmen were slain. But, with the exception of the capture of Calais, which remained in English possession for 200 years (1347-1558), the effects of this bloody victory were small. Edward returned home to find that a mightier minister of death than himself held possession of his kingdom. In 1349 the Black Plague reached England, and its ravages swept away a half of the wretched population.

The sufferings of the French people from the devastation of their country during these years were terrible. Northern and central France were ruined both by war and plunder. The beaten nation retreated before its conquerors, destroying all provisions as they went. A chronicler laments (with unconscious irony) that in 1355 "the King of England pursued the retreating foe for some days, finding, however, very little food; and the scarcity of drink was such that for three days the greater part of the English army had nothing to drink but water."¹ In the same year the Black Prince marched ravaging from Bordeaux, through Languedoc to Narbonne. At the end of the march, says Robert of Avesbury, "he had taken by

¹ Robert of Avesbury, 204.

assault about five hundred country towns, and many great cities and walled towns, taking infinite spoil, and laying the country waste by fire for eight weeks." Such was the warfare of the period, as conducted by the very "mirror of chivalry." The English army was, indeed, an army of ruthless plunderers, and an English historian¹ comments upon the expedition, "Such brutal and destructive war had indeed become habitual to the English." Green justly calls this achievement of the victor of Cressy "a disgraceful success."

In 1356 a further victory befell the English arms at Poitiers, as complete and bloody as that of ten years earlier. King John of France was captured and led in triumph through the streets of London. France was given over to the savagery of "Free Companies," and the peasantry were driven into revolt. The land went out of cultivation, grass grew in the streets of Paris, and poverty and famine reigned supreme. Never was the bitter fruit of war more freely tasted than during this secular struggle between the kings and nobles of England and France.

By the Peace of Bretigny (1360) the Duchy of Aquitaine (which included Gascony, Guienne, Poitou and Saintonge) was given to Edward in full sovereignty, and Calais also remained with the British crown. In return, Edward's claim to the French crown was abandoned, along with Normandy, Maine, Anjou, Touraine, and Brittany. There were no elements

No peace won
at Bretigny
(1360)

¹ Bright, i. 229.

of permanence in such a pact, which dismembered the fair lands of France, and was opposed to the principle of national identity. The conquered territory rose under Charles V. Bertrand du Guesclin maintained a guerilla warfare with unsurpassed skill. A Spanish fleet broke the English naval power in the Channel. King Edward sank into a vicious dotage. The Black Prince further tarnished his honour by the massacre of 3000 citizens of Limoges, and returned home in 1371, broken and dying. By 1374 England had lost Aquitaine, with the exception of Bordeaux and Bayonne.

The last scene of this ill-starred adventure after a Continental empire was enacted under the kings of the House of Lancaster. The wise peace-policy of Michael de la Pole, Earl of Suffolk, and of Richard II. (who married the daughter of Charles V. of France) was little to the taste of either the turbulent baronage—whose thirst for war and plunder was still unslaked, or of the fighting element amongst the people—bursting with the memory of their former triumphs. France was in the throes of a struggle between the factions of the Burgundians and the Armagnacs. Its king, Charles VI., was an imbecile. Henry V. advanced a claim, more baseless than that of Edward III., to the French crown, and renewed a wanton war. At Agincourt in 1415 he repeated the triumph of Cressy; within a year or two he had reduced Normandy to submission; and by 1420 he was master of France, was recognised as Regent and successor to the crown (by the treaty of Troyes) and

The French
national
revival

entered Paris in triumph. Once again the best part of France was "painted red." But the bubble soon burst. The simple faith and valour of Joan of Arc availed to restore the national enthusiasm of her people, and she led them to victory at Orleans, and to the crowning of the Dauphin in the cathedral of Rheims (1429). Burgundy went over to the French king; Paris submitted to her proper allegiance. Normandy and Guienne were quickly overrun by the triumphant French patriots. In 1451 the long struggle of the Hundred Years' War came to an end. The English were finally driven from the soil of France, retaining none of their former possessions or conquests, with the exception of Calais alone—which was to remain theirs for another century.

The real character of the Hundred Years' War is worth more attention than it usually receives, either in popular estimation or in the pages of our school text-books. It is Real significance of the War not to be judged—with all respect to genius be it said—from the point of view of the courtly eloquence and patriotic fervour of Shakespeare's plays, written at a time when the national self-consciousness was much inflamed, and when the Tudor tyranny persuaded men that nations existed for the sake of kings instead of kings for the sake of their people. The showy and spectacular reign of Edward III. was one of the unhappiest in our annals. This mighty man of war was a bad and selfish king, and ended his days, not inappropriately, in the arms of an unscrupulous mistress. The poor of his land, decimated by pestilence and

famine, longed for a peace which might remove the burden of taxation from their shoulders. In Edward's reign, and that of his successor Richard, we get perhaps the first appearance of a definite peace-party in English politics. If the constitutional liberties of the people and the control of Parliament were strengthened, the concessions were wrung from Edward's necessities, rather than yielded by his good-will. In the glowing pages of Froissart we do not get a balanced judgment upon the men and manners of the time. but the hot colour and shallow sentiment of chivalry. The English and French chroniclers, the poems of Langland and Gower, the writings of Wyclif, the abuses uncovered by the Good Parliament, the subsequent revolt of the peasantry—these reveal a different story. The period of the war was a period of unrest and revolution, of crushing taxation, of aristocratic vice and clerical infamy. The Peasants' Revolt in England, the Jacquerie in France, the uprising of the commonalty in Flanders—all alike were premature, all alike were crushed ; but they were a new portent in the social and political history of the age, for they discovered revolution dogging the footsteps of war—the people turning at bay against their selfish and tyrannical feudal masters. Against the fanfaronades of Froissart we must balance the vision of Piers Plowman and John Ball's "Who was then the gentleman?" to get a true idea of the life of the period. "The real source of the passion with which the baronage pressed for war" writes the historian Green, "was sheer lust of gold. Whatever

pulse of patriotism may have stirred the blood of the English archer at Agincourt, the aim of the English noble was simply plunder, the pillage of farms, the sack of cities, the ransom of captives. So intense was the greed of gain that only a threat of death could keep the fighting men in their ranks, and the results of victory after victory were lost by the anxiety of the conquerors to deposit their plunder and captives at home before reaping the more military fruits of their success. . . . Cruelty went hand in hand with greed, and we find an English privateer coolly proposing to drown the crews of a hundred merchant vessels which he has taken, unless the council to whom he writes should think it better to spare their lives. The nobles were as lawless and dissolute at home as they were greedy and cruel abroad. The Parliaments, which had now become mere sittings of their retainers and partisans, were like armed camps to which the great lords came with small armies at their backs."

In seeking to establish a Continental empire at the expense of French nationality, England pursued a phantom. In the extent of her Continental territory she came out of the long conflict far worse than she entered it. Of what avail was the slaughter at Cressy, Poitiers, and Agincourt, the valour of Edward III., the Black Prince, and Henry V., the prowess of Bedford and Talbot? We are told, of course, that it satisfied our national pride and consolidated our national self-consciousness; but these are mere

An inglorious
chapter of our
history

rhetorical phrases, to which little significance can be attached. If such be patriotism, then all that need be said is that the patriotism of England was abased by the patriotism of France. How hollow sound these panegyrics to those who value the sacred rights of nationality ! We, at least, who live in the days of the *entente cordiale*, may indulge ourselves with the truth about the Hundred Years' War. Its loftiest figure was the little maid of Domrémy, Joan of Arc, condemned by the clergy as a witch and burned by the English at the stake, but now beatified by the Pope, and revered throughout both England and France as the innocent saviour of her country. If to have butchered 100,000 French peasants, to have marched through the length of France burning and ravaging, and to return home loaded with plunder and gorged with pride—if this be national glory, we tasted it to the full. But the clock of civilisation was put back for two centuries, and the misery and loss inflicted were great beyond belief.

Under the first Plantagenets England had seemed to be recovering from the anarchy of its early history. The lines of domestic peace were being marked out ; the foundations of a constitution were laid ; trade and industry began to flourish ; civic life developed ; the forces of law and order appeared to have taken the measure of the forces of lawlessness. The Hundred Years' War was a reversion to type. It displays all the old roving instincts of the Anglo-Saxon, the berserk fury of the Dane, and the cold cruelty and rapacity of the Norman, let loose again.

Born of feudal greed and arrogance, it was waged with feudal savagery as well as feudal valour. Properly regarded, it is a lamentable chapter of our history. Its end was the eclipse of total failure. But its evil fruits were tasted at home as well as in France. It needed the surgical operation of the Wars of the Roses to draw off the poison which it had spread in English blood.

(II.) Having failed to eat up the fair provinces of France, the ranks of feudalism turned next to devour each other. For the inter- (ii) *The Wars*
necine warfare of the English baronage of the *Roses*
known as the *Wars of the Roses* Edward III. must share the responsibility. "By marrying four sons to the heiresses of the great English families, he had initiated a new domestic policy for the crown. Like so much that this selfish ruler did, it made a splendid show and lasted his time, but proved the ruin of his posterity. For with the great fiefs he brought into the royal house their unquenchable feuds; and to Edward III.'s policy must be traced back the full disastrousness of the Wars of the Roses."¹ Besides the rivalry of Lancastrians and Yorkists for the succession to the crown of the weak Henry III., another contributory cause of the reaction into domestic anarchy is to be found in the results flowing, then as ever, from a war of aggrandisement abroad. The prolonged struggle in France demoralised the temper of the English, whilst its financial necessities inflicted upon them

¹ A. L. Smith, in "Social England," ii. p. 150.

enormous burdens. The national revenue was almost swallowed up by military charges or by pensions to noble favourites. In the west and north of the country the old conditions of private war emerged again, and the 'Paston Letters' reveal a similar condition of affairs in the eastern counties. All the fury and ruthlessness characteristic of the period were displayed in the battles of the Roses. It is true that many of these were but small encounters between rival groups of nobles and their retainers, and that, on the whole, the towns pursued their industrial occupations without taking a very active part in the struggle. But on the field of Towton (1461) some 40,000 were slain, so that it can hardly be said that the carnage was confined to the nobility. Both sides were equal in the fierceness of their vengeance on the beaten foe, and the ease with which they deserted to the enemy. Attainder, confiscation, and secret or open murder, were the familiar methods of both alike. For a whole generation, though the actual fighting was intermittent, the struggle continued, and the fortunes of the rival factions ebbed and flowed. On Bosworth Field, in 1485, it was at length ended by the victory of Henry of Richmond who, as Henry VII., inaugurated a new chapter of English history.

The importance of the Wars of the Roses in the history of English civilisation is that they mark
Triumph of the inadequacy of the machinery and
lawlessness motives created since the Norman
Conquest to hold down the lawless elements in the
realm and establish a settled internal peace and

order. Before the accession of Edward III. there had been a fair promise that this pacification might be achieved; but his engagement in the war with France abstracted the attention of the governing classes from the quiet tasks of domestic consolidation, flung the strength of the nation into foreign adventure, and renewed the militant passions which might otherwise have died down. It is possible that this perversion ought even to be dated earlier—from the wars against Scotland and Wales. Feudalism enjoyed during the wars a final orgy of strife. Rebuffed and humbled by the patriotism of the French, it turned to self-destruction in its home borders. The inoculation of law and order by Henry I., Henry II., and Edward I. had not proved powerful enough to check the characteristic disease of a people sprung from warrior stock, and always easily to be persuaded to take to arms. The elements making for a peaceful and ordered society were not lost, but they suffered a long eclipse. The nation had again to go through more than a century and a half of submission to authority before its schooling began to bear fruit. The Tudors mastered it anew, and by their strong tyranny carried it over into an age of new forces and of larger relationships. The great rebellion under the Stuarts renewed with mighty force the struggle for social and political justice which must be the prelude of an abiding national peace. Just as the “constitutional experiment” of the Lancastrians proved to be unripe and premature, so the attainment of secure law and order within the realm had to await a longer travail.

Looking back, however, at the events and influences which we have outlined in this chapter, the loss by reaction is modified by sensible gains. When Eliot, Pym, and Hampden took up their crusade for freedom against the tyranny of the Stuarts, it was in the constitutional experiments under the Plantagenets and Lancastrians that they found their texts and precedents. The Parliament of De Montfort and Edward I., grew to majesty and power in the seventeenth century. The Reformers looked back to Wyclif as their "morning star." Magna Charta was remembered as a name to conjure with. The organisation and practice of justice went quietly on—even during the disturbances of the Wars of the Roses. The towns grew from strength to strength, and with them a middle class which cared little for the pleasures of war. Military feudalism was dead, and the new aristocracy that succeeded it had at least to adopt more peaceful methods of advancing its pretensions. The printing-press arrived, to be the handmaid of literature and religion, and an instrument of persuasion more effective and less costly than the clash of arms. The nation was growing more mature, more self-critical, and the lessons of the Hundred Years' War and the Wars of the Roses were not lost. Civilisation is not a plant of quick or easy growth; but the abundant vitality of England under the Tudors proved that the stock was not wholly corrupt, and gave promise of a ripeness and grandeur which the Middle Ages were not able to attain.

CHAPTER V

THE PEACE OF THE UNITED KINGDOM

It should be with some feeling of humiliation rather than pride—for the defect marks a flaw in our national culture—that the average educated Englishman realises his ignorance of the history of three of the four countries which constitute the United Kingdom. The bare facts of conquest or legal union, the memory of a few bloody battles, sieges, or massacres, the fret of the Irish ulcer, the romance of Mary Stuart or the Pretender, the stool of Jenny Geddes—these items almost exhaust the knowledge and interest of most of our countrymen in the life story of those sister-lands of which the late Lord Salisbury spoke slightly as “the Celtic fringe.” Our historical teaching has been not even insular, but only peninsular, in its range. But times are changing. John Bull is sated with conquests and possessions. Rather late in the day he is discovering the virtues of self-government, the rights of nationality, the wisdom of devolution. The fervent patriotism of an Irishman, a Scot, or a Welshman may appear a little tiresome or unnecessary, in his view of things; but he is beginning to think that it will have to be reckoned with, and that, possibly, it may be turned to account.

It may relieve Parliament of a threatening congestion of business, and John Bull himself of the hostile attentions of a neighbour whom he has tried in vain to silence. It might even stop the waste of his population, add to his economic resources, and strengthen his flanks in war and his balance in peace. Anyway it is time to know something of the history of these little peoples who have helped to make us great.

In our previous chapters we have sketched the formation of an English people out of a complex
 Plan of chapter amalgam of races; their fights for mastery; their rude attempts at law and order; their growth in trade, commerce, and the arts of peace; the ebb and flow of the civilising impulse, as it strove to make headway against the forces of savagery and lawlessness. The story, so far, has been mainly one of English development. It is time, now, to widen our survey, and to consider how Wales, Scotland, and Ireland came to fall within our national orbit; what the union of the United Kingdom of Great Britain and Ireland has meant to them and us; how far that union has made for the growth of a peaceful civilisation; and what the future may have in store in the way of strengthening the foundations of the Pax Britannica within the four quarters of these isles.

It will be well to begin this survey with a brief account of our union with Wales.

WALES

Wales was first peopled (in historic times) by the short, dark Iberians or Silures, and afterwards

by the tall, blonde Celts (the Brythons following the Goidels) who occupied the whole of Britain for more than a millenium before the coming of the Romans. In each case the last comer pushed his predecessors farther to the west, and reduced them, by his higher civilisation or more effective weapons, to a state of subjection. By A.D. 79 the Roman legions had conquered Wales, after a fierce thirty years' struggle, and had secured their conquest by the establishment of great Roman camps at Deva (Chester) and Isca Silurum (Caerleon on the Usk, the "city of legions"). The Romans gave the Welsh Christianity, and the beginnings of agriculture and trade. Their withdrawal left Britain thinly Romanised, and again free, but an easy prey to the migrating German tribesmen. Between the fifth and seventh centuries the conquering Anglo-Saxons pushed the free remnants of the British into the fastnesses where lived their Welsh compatriots. Farther than the Welsh border the English did not penetrate; but their victory at the battle of Deorham (A.D. 577) tore West Wales (our Somerset, Devon and Cornwall) away from the main British kingdom; and Strathclyde (its north-western section) was cut off as a result of a further English victory at Chester, about A.D. 613. These two extremities were gradually absorbed into the English kingdoms of Wessex and Northumbria, and the last independent stronghold of the British became (roughly speaking) Wales as we know it to-day. The fervent attempt of the Cymri to maintain their political unity against

the advancing torrent of virile paganism found expression in the myths and romances which surround the name of King Arthur. Between 681 and 1063 the Welsh kings maintained an uneven contest with Mercia, whose king, Offa, drew his Dyke along the border, after he had won the districts between the Severn and the Wye; with the ravaging Danes, who plundered the coasts and spread anarchy; and with Wessex, which more than once asserted an overlordship, and under Harold, in 1065, achieved a temporary conquest.

With the coming of William the Conqueror a more dangerous enemy of Welsh independence appeared upon the scene. In 1070 William took Chester, the door into North Wales from England, and with its capture, which ended the conquest of England, the conquest of Wales began. From Chester, Shrewsbury, and Hereford—strong posts placed in the hands of barons—the advance of the Normans was made. Castles were planted thickly along the border, and by 1094 all Wales, except the districts of Gwynaed and Dynevor, was in Norman power.

In the twelfth and thirteenth centuries a national and poetic revival gave expression to the revived hopes of the Welsh patriots. It centred in the Lords of Snowdon, and culminated in the reign of Llewellyn the Great (1194 to 1240), the most important and attractive figure of mediæval Welsh history. He was Prince of all Wales, and sufficiently powerful to win in marriage the daughter of King John. Siding with

the Norman-English barons in their struggle with the crown, he was rewarded by obtaining a statutory recognition of the independence of his Welsh law in three clauses of Magna Charta. He summoned a great Council of Chiefs at Aberdovey, and formed the nucleus of a national legislature, executive, and judiciary. He was the generous patron of a brilliant circle of bards. He endeavoured to substitute conciliation and equal justice for the anarchy of private war that prevailed along the border. Above all, he was wise enough to set limits upon the nationalist aspirations of his people, and consented to place his country in feudal dependence upon the English king as a means of maintaining her identity and autonomy. He saw, says a Welsh historian, that "the independence of Wales must be its independence as a part of a more extensive kingdom," and that "the independence which is natural to Wales, and the unity which is natural to the islands of Britain, are not inconsistent."¹

Llewellyn's death, however, put a speedy end to this patriotic dream. To English and Welsh alike such counsels of moderation and statesmanship were distasteful. The legal-minded and masterful Edward I. pressed on the work of conquest against Llewellyn the Great's grandson (Llewellyn, son of Griffith). Angered by the Welsh support of Simon de Montfort, and eager to complete the unification of Great Britain which he had mapped out, Edward drove the Welsh into a war of independence, placed a ring of power-

Wales conquered by Edward I. (1284)

¹ "Wales," by Owen M. Edwards, 1902, pp. 149-150.

ful enemies around their prince in Snowdon, and, after the death of Llewellyn, crushed David, his successor, had him executed with every circumstance of cruelty, and by his Statute of Wales, promulgated at Rhuddlan in 1284, formally annexed Wales to the English crown.

The Edwardian conquest of Wales, and the subsequent settlement, were carried through on lines already laid down by previous English experience. The Welsh were treated by the great Plantagenet no better and no worse than the English had been by Edward's Norman and Angevin predecessors. The Principality of Wales was reorganised, and carved into six shires, on the English model—Anglesea, Carnarvon, Flint, Carmarthen, Merioneth and Cardigan. Here the old law of Wales, somewhat revised by Edward, was administered by a new staff of justices and sheriffs. Government by Welsh princes gave way to government by officials of the English king. A semi-circle of feudal Lords of the Marches held down the remaining half of Wales. A string of splendid new castles, many of them built on the concentric system, whose secret had been learned by the Crusaders, sprang up throughout the land, at such strategic points as Conway and Carnarvon, Beaumaris and Harlech, Kidwelly and Caerphilly. A number of little towns, protected by their feudal lords, received charters during this and the following reigns,—amongst them Aberystwyth and Conway, Carnarvon and Beaumaris, Bala, Cardiff, Newport and Neath. Their charters were framed on the

model of that of Hereford, and included the right to establish a merchant guild, which was given a monopoly of the trade of the district. In the centre and south, Welsh were admitted as burgesses from the beginning; but in the north, around the dangerous Snowdon district, the towns were thoroughly Anglicised. In Carnarvon Edward's son was born, and was proclaimed the first English Prince of Wales—a wise expedient, which did much to soften the blow that had fallen upon Welsh national pride. The new Prince, when he ascended the throne, was friendly to the land of his birth, and was the only monarch who summoned members from Wales to the English Parliament until the reign of Henry VIII.

Thus, 800 years after the landing of the English in Britain, during which period she had maintained a precarious and chequered independence, Wales came within the dominion of the Union to which the rest of southern Britain had been subjected. Such a union was necessitated by community of both political and economic interests, and was submitted to by the Welsh people with no ill grace. Years of plenty followed the conquest, and commerce steadily grew. Many Welsh left their country to serve as mercenaries in English or foreign armies. From them the English learned the use of the longbow.¹ Ten thousand Welsh bowmen fought on the English side against the Scots at

¹ Owen M. Edwards's "Wales," p. 237. "The home of the longbow is the south-east corner of Wales, the well-wooded rolling plain of Gwent and Morgannwg.

Falkirk in 1298; and there were 5000 Welsh bowmen and spearmen, a fourth of the whole army, under the command of Edward III. and the Black Prince, at Cressy in 1346. The national revolt of Owen Glendower, in 1400, at the head of a newly-prospering Welsh peasantry, failed, but the Welsh were destined to play no unimportant part in the subsequent development of the united country. Edward IV. was the grandson of Anne Mortimer, a descendant of Owen Glendower. Henry VII. was the grandson of Owen Tudor, a Welsh country gentleman, from Anglesea, who had married Catharine of France, the widow of Henry V. The House of Tudor, therefore, united not only the red and white roses of Lancaster and York, but also the Welsh and English people. It is claimed by Welsh historians, not without reason, that at the most critical and formative stage of our national development little Wales provided us with our strongest dynasty.

The firm hand of the Tudors completed the organisation of Welsh life upon the English model.

Union with England completed, 1535 The power of the robber lords of the border was effectually broken. Five new shires were created out of the march lordships, and other feudal holdings were included either in the older Welsh shires created by Edward I. or in the neighbouring shires of England. A definite but quite arbitrary boundary line was fixed, Monmouth being excluded from the Welsh system to which it properly belonged. By Thomas Cromwell's Act of 1535 the whole of Wales was

united with England, and it was declared that the union was to mean the abolition of Welsh customs and laws, and of the Welsh language. On the other hand, the whole of the Welsh shires were now granted representation in the English Parliament. The selfish and cruel local jurisdiction of the 150 march lordships was abolished, and the King's law became supreme throughout the land. The new Star Chamber suppressed the lawlessness of the great barons, and put an end to their private wars. The new Court of Wales—one of whose Presidents was the father of Sir Philip Sidney—displayed great activity in the administration of justice. The Great Sessions of Wales, inaugurated by Henry VIII., dealt with all civil and criminal cases, cases relating to land, and rebellions against the law; and below the Great Session each shire was given its bench of eight Justices of the Peace.

Thus the Tudors gave to Wales internal peace, an elaborate system of justice and local government, and representation in Parliament. Nineteenth century
Although they created a new social division of classes, and put an end, national revival
for a period, to Welsh poetry and song, their rule was popular, and, on the whole, successful. Wales was Royalist during the Civil Wars, Tory at the time of the Revolution. Its new governing classes became thoroughly Anglicised. But the national spirit never died out amongst the common people. The eighteenth century witnessed the beginnings of a religious, educational, and economic awakening. Howel Harris swept the country with a wave of

devotional enthusiasm comparable with that created by the Wesleys. Day and Sunday schools were multiplied. In the nineteenth century the great industries connected with the slate, coal, steel and tinplate trades transformed social conditions, and gave birth to a passionate and powerful Welsh democracy. Thomas Ellis created a Welsh Parliamentary Party whose influence culminated in the triumphs of Mr Lloyd George. In 1888 and 1894 a new system of Local Government was completed, and in the latter year the University of Wales was established. The investment of the young Prince of Wales at Carnarvon Castle, in the spring of 1911, was made the occasion of a demonstration that the spirit of Welsh nationalism was vigorously alive. The gift of religious equality is almost within the reach of this nation of Nonconformists. The gift of a Welsh Parliament, to deal with purely local affairs, is a probability of the near future.

The nation which gave us men as diverse as Picton and Robert Owen, George Herbert and Henry Vaughan, William Morris and Burne Jones, has entered loyally into partnership with the English people. Its Celtic fire and imagination, its passion for education and democracy, its poetry and gift of song and deep religious fervour, have served as a fruitful leaven in our national life. It is possible that the dream of Llewellyn the Great may come true in our own lifetime, and that Wales may attain all the national independence which she now seeks—an identity and

autonomy not inconsistent with the unity of the United Kingdom.

SCOTLAND

The land of North Britain, which was not known as "Scotland" much before our Norman Conquest, was destined as surely as Wales to II
 an economic and political unity with Scotland and
 England. The lands were not large England
 enough, and were too open to each other's influence or interference, to allow to both a permanent fabric of independent kingship. During the tribal or even the feudal stage of development this separatism might, and did, persist—to the grave detriment of the peoples on both sides of the border; but the enormous development of material prosperity and intellectual achievement which followed the Union of the two countries in 1707 showed where their real interests lay. The Scotch Express now passes daily over the site of the forgotten walls of Hadrian and Antonine. An intense Scottish national feeling survives, and not without reason, in our own day, but it is a form of patriotism not at all likely to forget the solid benefits of international co-operation. The famous outburst of that stiff old Tory, Dr Samuel Johnson, "But, sir, let me tell you, the noblest prospect which a Scotchman ever sees is the high road that leads him to England!" may be read with a new significance when we remember how both Liberal, Conservative, and Labour parties in our British Parliament have gone to Scotland for their leaders; and how the songs of Burns, the romances of

Sir Walter Scott, and the economics of Adam Smith have come over the border and achieved greater conquests than all her raiders and men-at-arms.

Mountainous and inhospitable in the north and west, with a fertile soil only in the south, where it lay open to the constant incursions of The Romans in Caledonia a neighbour more populous, richer, and more powerful than itself, mediæval Scotland endured the rigours of tribal and feudal anarchy longer and more grievously than either England or Wales. The Romans under Agricola conquered but could not subjugate the warlike Picts. The best the legions could do was to build a line of ramparts from the Forth to the Clyde, backed by another from the Tyne to the Solway, to keep back these northern savages from interference in the concerns of Britain. Only in the Lowland region between the two walls did the Romans exercise any appreciable influence.

After the withdrawal of the Romans—at the time when the English tribes were commencing their conquest of southern Britain—their conquest of southern Britain—The English in the Lowlands an overflow of Scottish tribesmen from Ireland began to take possession of Argyle and the neighbouring isles, where by the sixth century they had succeeded in establishing themselves. At the same time the powerful English kingdom of Northumbria spread northward to the Firth of Forth, and the Lowlands were planted with Teutonic “hams” and “tons” to such purpose that the land became known to the Picts as “Saxony.” King Edwin built his rock-fortress

of Edinburgh on the site of the future capital of Scotland. With the death of King Ecgfrith, however, and the total defeat of his host at the battle of Nectansmere (A.D. 685) the power of Northumbria was overthrown, and the English settlements in the Lothians passed under the rule of the Picts.

Meantime, the Scottish immigrants from the west had been consolidating their strength, and by the middle of the ninth century ^{Kings and} they had prevailed over the Picts, ^{Monks} and their king, Kenneth M'Alpine, became king of the land, with his capital at Scone. The historic monarchy of Scotland began; though the name of "Scotland" was not applied to the whole country until the eleventh century. Ninian in the fourth century, and Kentigern and Columba in the sixth, converted the Pictish tribes to Christianity, and many monasteries were established. They availed to mitigate the ferocity of a savage and barbarous age about as much, or as little, as their contemporaries in England; but they provided some cement to check the fissiparous tendencies of the tribes, and thus helped somewhat to inculcate the idea of national unity.

Thus far the Pictish people had had to suffer the inroads of the Romans, the Angles, and the Scots. The next enemies to scourge ^{Norse inroads} them were the piratical Norsemen, who settled first in Shetland, Orkney, and Caithness, in the course of their migration south and west. The dynasty founded by Kenneth M'Alpine struggled, with varying success, against these fierce marauders

for three centuries, being constrained to divide the country with them for several generations. At length, in 1263, the great armada of Haco of Norway was scattered and broken by storms ; and with its destruction the menace from the north passed away, and the Norsemen in Scotland were absorbed among the Highland clans.

During the course of this struggle England had become organised and feudalised by her Norman Feudal rulers, and the little Scotch kingdom savagery in mediaeval Scotland was now confronted by a more powerful and persistent enemy. Scotland itself had become feudalised in the twelfth century, for David I. (a contemporary of our Henry I.) had granted many fiefs throughout the country to his Norman favourites and friends. By the thirteenth century Lowland Scotch, an English dialect, had begun to prevail over the Celtic tongue. We have thus in Scotland, as in England, a rich complexity of racial influences, to which patriotism should not be permitted to blind us. Picts, Scots, Norsemen, and Angles, with a top-dressing of Norman lords and landowners, made up the national amalgam of the land of Burns and Scott. The hero of Bannockburn, Robert Bruce himself, was a scion of a Norman-English baronial house. The claims of racial egotism become modified, as we recognise these affinities. But if feudal England gave her northern neighbour some of her chief leaders in war, her transmission to Scotland of her own feudal system, superimposed, as it came to be, on the clan loyalty of the tribes, was a social evil of great

magnitude and long duration. Nowhere in Europe was there a prouder, more lawless and more despotic feudal aristocracy than in mediæval Scotland. They made and unmade kings with a rapidity and blood-guiltiness which leaves the modern reader aghast. The petty towns were in their power. They engaged in almost constant rapine and warfare. Their castles were impregnable fortresses, wherein they ruled as petty kings; and the central power was rarely strong enough to call them to account. The Scotch towns, even at the end of the Middle Ages, were insignificant in size and power. In the late fourteenth century Edinburgh had a population of only 16,000 souls, and Froissart described its houses as being mere huts thatched with boughs. Perth, long the capital of Scotland, had less than 9,000 inhabitants as late as 1585; whilst in 1572 Aberdeen, the metropolis of the North, numbered only 2,900 people. Glasgow in 1450—almost the end of the Middle Ages—was a petty township of 1500 people.¹ The growth of a strong municipal life, and of an active middle class, was the consequence of the Reformation and the subsequent Union. Had the mountains of Scotland been in the south, and its towns been sheltered from the incessant warfare with England, they might, speculates Buckle, sooner have risen into prominence, and civilisation have come earlier to the Scottish people. As it is, we must think of Scotland, during the centuries of its struggles against England, as a barren and

¹ Cf. the figures and references in Buckle's "History of Civilization," edited by J. M. Robertson, 1904, p. 643, etc.

sparsely peopled land, periodically wasted by invasion or civil war, semi-barbaric in its social life and manners, and oppressed by a fighting aristocratic caste less polished and, if possible, more ferocious than that which blighted English and French civilisation during the Hundred Years' War and the Wars of the Roses.

It was Edward I., the conqueror of Wales, bent now upon the social and political unification of Great Britain, who first set seriously to work to rob Scotland of its separate and independent government. A dispute about the succession to the Scottish throne furnished him with an excuse for intervention, and in 1296, after a refusal to acknowledge his overlordship, he invaded the northern country, captured Berwick and massacred many of its inhabitants, received the submission of Edinburgh, Stirling, and Perth, and removed the Stone of Destiny from Scone to Westminster. In 1297 William Wallace, the darling of Scottish patriotism, rallied his compatriots against Edward and defeated an English army at Stirling. Edward himself was compelled again to take the field, and at Falkirk (1298) inflicted a crushing defeat upon the Scottish forces. But the victory of Falkirk bore little fruit, for Wallace had kindled in his countrymen a patriotism of the most intense and passionate kind, and at Bannockburn, in 1314, an army of 100,000 men under Edward's son and successor was overthrown by Robert Bruce and his 30,000 Scots, who left the field of victory enriched

Scottish independence
lost (1296-8)
and regained
(1314)

with an unprecedented store of booty. In 1328, by the Treaty of Northampton, the independence of Scotland was formally recognised, and Bruce was acknowledged as its king.

A few years later the struggle was re-opened. Edward III. captured Berwick, marched, ravaging, as far as Inverness, and, but for the Raids and outbreak of the long war with France, counter raids might have completed the subjugation of the kingdom. Again, in 1385, Richard II. entered Scotland, and burned Edinburgh, Perth, Dunfermline, and Dundee. The fairest parts of Scotland were reduced to a wilderness, and the unhappy people cast into beggary. But it was of no avail. The preoccupation of England with the French war, and the determined patriotism of the Scottish people, prevented any successful assertion of English supremacy. For every murderous raid through the Lowlands the Scottish nobles retaliated by a plundering and burning foray into Northumberland and Durham. Moreover, they formed an alliance with the French enemies of England—a forceful piece of diplomacy which had long and enduring consequences.

From the crowning of James I. of Scotland at Scone, in 1424, to that of James IV. in 1488, the struggles between the northern monarchs and their lawless barons continued without cessation. In 1502 James IV. was married at Holyrood to the Princess Margaret, daughter of Henry VII. of England. A century later their issue, James VI. of Scotland and

Union of
Scottish and
English
Crowns

I. of England, united the English and Scottish crowns. This partial union of the kingdoms happened not before it was due. Both countries had been weakened and impoverished, and their prosperity checked, by centuries of internecine conflict. The inter-marriage of the royal houses, and the disputed succession between Elizabeth and Mary, Queen of Scots, threatened them with a fresh period of warfare. The close alliance of the Scotch and French weakened the power of England both at home and abroad. The outbreak of the Reformation made a new line of division amongst the people of both countries, whilst the importance of its issues transcended that of dynastic or aristocratic rivalries and brought the people of like religious mind in England and Scotland into closer and closer touch. The temper engendered by the long-continued enmity between the two peoples may be illustrated by the instructions issued in 1544 by Henry VIII. to the Earl of Hertford, a document described by a Scottish historian as "marked with a ferocity of spirit unmatched in the annals of Europe."¹ The earl was ordered to make an inroad into Scotland: "There to put all to fire and sword, to burn Edinburgh town, and to raze and deface it, when you have sacked it and gotten what you can of it, as there may remain for ever a perpetual memory of the vengeance of God lighted upon it for their falsehood and disloyalty. . . . Sack Holyrood House and as many towns and villages about Edinburgh as ye conveniently can. Sack

¹ "Scotland," by John Mackintosh, 1890, p. 116.

Leith, and burn and subvert it, and all the rest, putting man, woman, and child to fire and sword without exception, when any resistance shall be made against you. And this done, pass over to the Fife land, and extend like extremities and destructions in all towns and villages whereunto ye may reach conveniently, not forgetting amongst all the rest to spoil and turn upside down the Cardinal's (Beaton's) town of St Andrews, as the upper stone may be the nether, and not one stick stand by another, sparing no creature alive within the same, specially such as either in friendship or blood be allied to the Cardinal. The accomplishment of all this shall most be acceptable to the majesty and honour of the King." All this because the Scotch refused a marriage treaty between the infant Mary and Henry's son (afterwards Edward VI.), and preferred to renew the alliance with France! The document is worthy of the bloody despotism of Henry VIII. It must be said, also, that it marks the usual temper of both Scotch and English in their dealings with one another for 250 years. With the exception of the short and brilliant reign of James I. (1424-1436) Scotland had fallen into a state of anarchy and miserable disorder since the days of Bannockburn. The maidenhood of Elizabeth was a blessing to both countries alike, in that it brought the two crowns together and paved the way for the later full union of the peoples.

There was no blessing involved for either country,

however, in the gift of the Stuart dynasty by Scotland to England. Never was a family of rulers less fitted to steer a wise and even course through the sea of religious and political troubles which they were called upon to traverse. The pedantic masterfulness of James, and the rash autocracy of Charles and Laud, alienated the affections of even their loyal Scottish subjects, and drove them to arms, to alliance with Cromwell and the English Puritans, and to the overthrow of the monarchy in the Civil War. The execution of Charles, and their differences with the Independent army, threw them back again into supporting the Stuart cause. But the Restoration brought to them, as to England, all the bitterness of religious persecution and political tyranny, and the wisest elements of the Scottish people approved the Revolution of 1689 and welcomed the accession of William III. Their eyes had been opened to the benefits of a settled union of the kingdoms by the boon of free trade between England and Scotland which had been granted by Cromwell, and withdrawn at the Restoration. With the accession of William III. they looked for liberty of conscience and the beginning of a new era of prosperity. The atrocious massacre of Glencoe, in which, the Scots were persuaded, William himself was implicated, shattered these bright hopes for a time, and gave new life to the Jacobite loyalty of the Highland clans.¹ The "glorious Revolution" was a little disappointment

¹ "The Union of England and Scotland," by James Mackinnon, 1896, pp. 12-14.

to the Scots, who found themselves no better off, materially, as a result of their partnership with England. They traced, indeed, a steady decline of their trade and prosperity to the union of the crowns in 1603. "Partly through their own fault, and partly through the removal of our kings into another country" wrote Fletcher of Saltoun, "this nation, of all those that possess good ports and lie conveniently for trade, has been the only part of Europe which did not apply itself to commerce; and possessing a barren country, we are sunk to so low a condition as to be despised of all our neighbours, and made incapable to repel an injury, if any should be offered." It was clear that the existing union must be either mended or ended, for the Scotch were suffering from an intolerable sense of having got very much the worst of the bargain.

The extreme poverty of the nation, and the selfish stubbornness of the English ruling classes in refusing to admit the Scotch to any share of their own commercial privileges and in maintaining against them a rigid protectionism, steadily widened the breach between the two peoples. This feeling of alienation was increased to a dangerous degree by the disastrous failure of the Darien enterprise, upon which the Scottish people had fixed their passionate hopes. William Paterson, to whom was due the conception of the Bank of England, had propounded the idea of establishing a great free-trade colony on the isthmus of Darien, and of breaking through the fetters which England had bound upon Scottish

Events and
factors mak-
ing for union

commercial enterprise by establishing there a world-mart which would draw the wealth of the East into the coffers of the Caledonian venturers. The scheme was a wild one, and it failed as much through its inherent weakness as from the bitter opposition of England. The Scotch, however, embarked their men and money in the project, and the whole nation went wild with enthusiasm for what they regarded as a great national enterprise. Disaster befell the unfortunate colonists, both from the unhealthy climate, and from the armed opposition of the Spaniards. The fury of the Scotch regarded the failure as a national injury on the part of England, and their anger rose against William III. who, however, was himself sympathetic in his view of the needs of Scotland, and had pointed out to the House of Lords the necessity of a closer and more real union between the two peoples.¹ He saw clearly the logic of the Darien catastrophe. He declared himself "very sensibly touched with the loss his (Scottish) subjects have sustained by their late unhappy expeditions, in order to a settlement at Darien. His Majesty does apprehend that difficulties may too often arise with respect to the different interests of trade between the two kingdoms, unless some way be found out to unite them more nearly and completely; and therefore His Majesty takes this opportunity of putting the House of Peers in mind of what he recommended to his Parliament soon after his accession to the throne, that they

¹ Mackinnon, "Union of England and Scotland," p. 56. Bright's "History of England," iii. 867.

should consider of an union of the two kingdoms. His Majesty is of opinion that nothing would more contribute to the security and happiness of both kingdoms, and is inclined to hope that after they have lived near a hundred years under the same head, some happy expedient may be found for making them one people, in case a treaty were set on foot for that purpose; and therefore he does very earnestly recommend this matter to the consideration of the House.”¹ William himself died before this statesmanlike wish could be realised; but the Act of Union was finally passed into law on March 6th, 1707, and the two kingdoms were united under the name of Great Britain.

It took five years of anxious and often dangerous negotiation to secure the passage of the Act of Union through the Scotch and English Parliaments. The antagonism between the two countries was so fierce; the intrigues of the Jacobites, backed by the diplomacy of Louis XIV., were so persistent; that there was a grave danger of the two kingdoms drifting further apart, instead of into closer union. The Commission appointed at the beginning of Queen Anne's reign, in 1702, ceased to meet in February 1703. In May the Scotch passed a series of Resolutions so threatening that the whole project appeared to be wrecked. In October 1704 the English Parliament retaliated by a law branding all Scotchmen as aliens after Christmas, 1705; prohibiting the importation of the chief Scottish products—cattle, coal, and linen—

¹ “Lord's Journals,” 12th February, 1699 (1700).

into England; and ordering the Border towns to be fortified and the northern militia to be called out. In the Scotch Parliament of June 1705, however, the Marquis of Tweeddale succeeded in forming a moderate party—the so-called “Squadrone Volante”—and with their help a new commission was secured. The Commissioners—thirty-one on each side—met in April 1706, and a formula of concord was at length hammered out. A sum of £398,000 was paid for the liquidation of the Scotch debt and the indemnification of the Darien Company and its shareholders. The title of the United Kingdom was to be Great Britain, and the national flags were incorporated in one. Scotland was allowed forty-five Commoners and sixteen elective Peers in the United Parliament. The Scottish Church and the Scottish Law were left untouched. Above all, free-trade was established between the two countries, a fact which was to prove of decisive importance in binding the peoples together, developing the resources of the northern kingdom, and assuaging the bitterness of centuries by the experience of a common and growing prosperity.

Although the Union had been carried through the Scottish Parliament in the face of a vehement
 Its benefits acknowledged opposition, and although, at the time, the hatred and fear of it in Scotland were widespread, if not universal, its success has been acknowledged without stint by Scottish patriots and historians. “In regard to the other main contention, discernible through the maze of this controversy, viz. whether the advantages of the

so-called incorporation outweighed its disadvantages," writes an historian of the Union,¹ "it is evident that Defoe came nearer being a true prophet than either a Fletcher or a Hodges. His sagacity in predicting the wave of advancing wealth that was to replenish impoverished Scotland is as striking as the shortsightedness of his adversaries, in foretelling the ruin that appalled their imagination, is singular. Prosperity did not, it is true, come so speedily as was predicted. But it came ultimately. This part of the patriotic argument broke down entirely. The same will ultimately have to be said of these apprehensions based on suspicion of English honour, whether on political, ecclesiastical, or commercial grounds. Looking at this heated controversy in the light of the future we are forced to admit that, on the national side, prejudice was largely made to take the place of argument, while we can easily perceive and make allowance for the reasons of such prejudice."

Speaking at the annual meeting of the Scottish History Society in Edinburgh, on November 23rd, 1897, Lord Rosebery said: "After the Union, I think we may say that Scotland determined to take, with the advisability of the loss of her separate government, the full advantage of it. She gave herself up to fitting herself for the great part that she was destined to play in the government of the British Empire. She recovered by a long period of repose the exhaustion of the political part of

¹ Dr James Mackinnon, "The Union of England and Scotland," 1896, p. 272.

her history, which was all excitement and which was no repose; and as the affluent forces of nature gather themselves together under the uniform and impassive covering of the snow, so under the apparent deadness and moderatism of the eighteenth century Scotland was collecting her strength for the effort which she has put forward in the nineteenth. But there is even more to be said than this. She gained not merely by her reserve and recuperation of strength in the eighteenth century, but by the removal of the Court and of the Parliament and of the fashion of Scotland to the southern metropolis, she was enabled to develop in her rural districts types of independent character which I am sorry to say, under the influence of the more successful nineteenth century, with its railways and its hurry and its newspapers, are rapidly disappearing.”¹

It was fifty years—years disturbed by the Jacobite rebellions of the '15 and the '45—before the benefits of the Union began to be felt in Scotland, and she began to recover from her prevailing misery and destitution. But the recovery was a mighty one. In 1708 the Scottish coinage was called in, and a common currency established for the United Kingdom. In 1748, with the abolition of the old hereditary jurisdictions, the Highlands began to be reduced to order, and the wild clansmen were gradually changed into herdsman and farmers—the more militant being enlisted into the Highland brigades. In the Lowlands a flourishing agriculture developed.

¹ “Appreciations and Addresses,” edited by Chas. Geake, 1899.

Wider opportunities of fame and prosperity opened out to the Scottish youth, of which they have not been slow to avail themselves. Glasgow changed from a small fishing town into a great and prosperous port and industrial centre. Edinburgh became the centre of a rich literary and scientific culture, and won for herself the name of "the modern Athens." Commerce grew by leaps and bounds. Education was liberally cared for, and brought to the home of the humblest in the land. Roads, harbours, and canals were built, and the country opened out to civilisation. Between 1803 and 1820, under the direction of Telford, 1200 new bridges were erected and 920 miles of good roads built in the Highlands. Evil communications were no longer allowed to "corrupt good manners." In 1718 and 1719 the first ships from Glasgow and Greenock to cross the Atlantic sailed. In 1749 the first county bank in Scotland was established at Aberdeen. Between 1755 and 1821 the population of Scotland increased from 1,265,380 to 2,093,456.

In our own day the demand for a separate Parliament, to deal with domestic affairs more efficiently than an over-burdened Imperial ^{Nationalist} Parliament can deal with them, has ^{aspirations} arisen in Scotland as well as in Wales ^{within the} Union and Ireland, and it seems likely that, in the interests of both countries alike, this demand will have, before long, to be complied with. "It is idle to imagine that the legislative apparatus and constitution of the past is competent to master and to

treat the political and social problems of the present.”¹ “There can be nothing revolutionary, in the bad sense of that word, in agreeing to devolve on two or three national parliaments the work that is at present so unsatisfactorily performed by one unwieldy body in London.”² So argue our nationalist historians and patriots, who are also good citizens of the United Kingdom. Certain it is that the union of the two countries has brought with it an end to the horrors of civil war which had vexed both alike for centuries, and an extension of the Pax Britannica which has transformed and elevated the whole of our joint national life. If this great pacification can be further buttressed and extended by a delegation of subordinate legislative powers by Westminster to Edinburgh, there are many of the best citizens of England and Scotland who will judge such a boon well earned and justly granted.

The union of the Welsh and English nations preceded the union between England and Scotland, for reasons that may easily be understood. Scotland was far removed from the political and military base of England’s strength, which lay in the south-east of the island. Although battles might be won, and the Lowlands be ravaged, the Highlands formed a safe and distant entrenchment, whence the war could be renewed against an invader far from its base both of supplies and interest. Wales, too, had its Snowdon stronghold; but the best

¹ Mackintosh’s “Story of Scotland,” p. 289.

² Mackinnon’s “Union of England and Scotland,” p. 516-7.

parts of it were easily overrun from Shrewsbury, Hereford, and Bristol, and the possession of Chester turned the flank of the Welsh defence. Hence Scotland, the more distant and inaccessible country, was given a longer period in which to build up a framework of national organisation, before the inevitable pressure of economic and political necessity compelled the union of the kingdoms. What, meanwhile, was the condition of the sister isle across the Irish Sea ?

IRELAND

The moment we turn to Irish history we find ourselves in an atmosphere of acute controversy, surcharged with baleful memories, III
 unquenched animosities, and a spirit Ireland and
 of racial and sectarian pride more England
 proper to the Middle Ages than to the twentieth century. Ireland has been the scene of the greatest and most lamentable failure of the Pax Britannica. It is the historic exception to the success of our English faculty for government with the consent of the governed. One school of writers will tell us that this is all Ireland's fault—that she has been the “bad girl of the family.” Another avers with equal conviction, that England has been a brutal and selfish step-parent to her, using her to fetch and carry, laying hands upon her treasure, stunting her development, coercing her body, and starving her mind and soul. It is too soon yet, though we believe the time is drawing near, for

history to award an entirely dispassionate verdict. But the old problem presses for solution. The old sore galls both sides alike ; and though there are blind zealots and fanatics who continue to rub salt instead of oil into the wound, the hearts of the best people throughout the United Kingdom, throughout the Empire, throughout the civilised world, are restless and hungry for the bread of appeasement and the water of reconciliation.

Wise statesmanship, like wise fatherhood, has to reckon with temper and sentiment, as well as with the facts of circumstance and environment. When militant and Protestant Ulster proclaims aloud her rooted aversion to what the rest of Ireland declares to be the panacea for her woes, we may and must discount her masterful pride and intolerant sectarianism ; but we must give generous security against her fears. When Catholic and Nationalist Ireland—with a persistency unique in our experience, and usually attributed by English writers to the Saxon rather than the Celtic temperament—stands firm as adamant, for generation after generation, for an Irish Parliament to deal with Irish concerns, it must be recognised that we have to do with a demand dignified and irresistible because of its volume and duration. This, we believe, has become the conviction of the great majority of English-speaking people throughout the world, and it dictates the lines of a settlement of which we are now in sight. Meantime, cannot we get some light upon the problem from the general course of the development of British civilisation

towards peace? Cannot the question be discussed as a problem of national, sectarian, and racial appeasement? It is along this line of treatment, and not by adding to the interminable catalogue of controversial pamphleteering, that we are likely to reach solid ground.

How is it that the peace of the United Kingdom has been more difficult to attain in the case of Ireland than in the case of Wales and Scotland? that whereas the latter countries have increased in contentment as in population since their union with England, the reverse is true of Ireland? To answer these questions, we must endeavour to make clear some important distinctions, and we must touch briefly upon some leading features of Irish history.

The racial amalgamation which took place in the early history of England, Scotland, and Wales occurred also in Ireland, but it followed a different order and time. From B.C. 300 to A.D. 800 Ireland was the land of the Gaels, whose tribes pursued a life undisturbed by the external influences which were transforming their neighbours, for neither the legions of Rome nor the clans of the Anglo-Saxons crossed the Irish Sea. These self-governing Gaelic septs, sharing their land in common, and obeying their own tribal law, had a joint national life centring in their supreme lord, or high king, whose demesne was on the hill of Tara. A high intelligence for such an age was diffused among the people. From Gaul they learned the arts of enamelling, working

Gaelic Ireland
B.C. 300 - A.D.
800

in precious metals, and illuminating manuscripts, and in the former they soon excelled their teachers. They imported both Christianity and learning from Marseilles, even before the coming of St Patrick in A.D. 445 "The tribes of Ireland" says a recent historian of Irish nationality¹ "free from barbarian invasions as they had been free from Roman armies, developed a culture which was not surpassed in the West, or even in Italy. And this culture, like the art, was national, spread over the whole land." Ireland was not overwhelmed by the flood of barbarism which swept over England and most of Europe at the time of the break-up of the Roman Empire.

It was this tribal civilisation of Gaelic Ireland which first took up the task of Christianising pagan England and Europe. Of the work of Columbanus in Burgundy we need not speak here. But of the Irish mission of St Columcille (Columba) who, after founding thirty-seven monasteries in Ireland, sailed in 563, and set up his house of Irish monks at Iona, we ought to bear a grateful remembrance. For thirty-four years he laboured for peace, order, and civilisation, and after his death his followers set up the cross at Lindisfarne, and with it a school of art and learning which first pierced the darkness of Northumbrian ignorance and savagery. "In 662 there was only one bishop in the whole of England who was not of Irish consecration, and

¹ Mrs J. R. Green, "Irish Nationality," Williams & Norgate, 1911, p. 32.

this bishop, Agilberct of Wessex, was a Frenchman who had been trained for years in Ireland. The great school of Malmesbury in Wessex was founded by an Irishman, as that of Lindisfarne had been in the North.”¹ Even when the jealous imperialism of the Roman Church had broken the strength of the Irish mission at the synod of Whitby (664), it still continued for 400 years to send out missionaries throughout Europe. Its activities on behalf of religion and learning were of international scope. Here it must suffice for us to remember that it brought the Christian faith to the Picts of Scotland and confirmed it in the Scottish tribes; that it gave us Caedmon and Aidan and Chad, the beginnings of our English poetry, letters, and faith. It was the “Celtic fringe” which first softened and dissolved the paganism of our Teutonic forefathers.

About A.D. 800 Celtic Ireland suffered its first invasion. For two hundred years the Danes harried and ravaged its coasts and harbours, carrying with them destruction and anarchy. They brought with them, however, the practice and love of commerce, and in Dublin and Limerick, Waterford, and other coast towns set up trading centres which, later, carried on a flourishing slave-trade with Bristol and other English towns. In 998 the Irish hero, warrior, and scholar, Brian Boru, drove out the Danish king from Dublin, and in A.D. 1000 became Ardri or high-king of Ireland. In 1014 a mighty

The Danes in
Ireland, A.D.
800-1000

¹ *Ibid.* p. 47.

victory over the Danish host of King Cnut at Clontarf cost the life of Brian Boru ; but it removed the Danish menace, and preserved Irish independence intact for another 150 years.

The Danish invasion fostered anarchy between the Irish tribes, depressed their civilisation, and weakened their national unity. The National revival Irish Church was riven in twain ; for the Danish settlements made their peace with Canterbury, and their clergy formed a branch of the English Church, at war with the primacy of Armagh. Danish settlers had flowed in from England and Wales—the pioneers of a succession of mercenaries and adventurers. Against these influences the Irish brought to bear a vigorous revival of Irish learning and missionary zeal ; and by 1161 the schism in the Irish Church was healed, the Danish elements brought within the national circle, and the first Irish bishop consecrated in Dublin. Ireland abounds with the ruined churches, round towers, and sculptured crosses which remain as memorials of this national revival.¹ The cult of St Patrick flourished as never before, and gave expression to an ardent Irish patriotism, which now embraced both Danish immigrants and Celts.

Ireland was now to experience the first wave of that Norman-English expansion that flooded Wales and Scotland alike. King Henry II's intervention Henry II., lord of an empire which stretched from the Forth to the Pyrenees, deter-

¹ Mrs Green's "Irish Nationality," p. 87.

mined to bring Ireland within his English realm, and its church into subjection to the Roman See. Preoccupied with his organising work in England, his struggle with Becket, and his Continental possessions, he was not able to launch against Ireland the solid strength of his feudal empire—had he done so as Edward I. did in Wales, the history of the United Kingdom might have been different. But he accepted the feudal homage of Dermot, king of Leinster, and allowed him to be supported by Robert Fitz Stephen, with a band of Welsh and Flemish mercenaries and Norman knights, in 1169. These were soon followed by Richard of Clare, Earl of Pembroke (Strongbow), who stormed Waterford and Dublin, married Eva the daughter of Dermot, and as king of Leinster surrendered Dublin to the English crown and did homage to Henry.

Even from the point of view of twelfth century political standards, in which consideration for less martial people had no place, the Norman-English "conquest" of Ireland possessed two radical vices. In the first place, it was not complete; the utmost the invaders could do was to set up an "English Pale," a kingdom within a kingdom, a ring of selfish feudalism perpetually at war with the ancient law, religion, and culture of the remainder of the island. A "foreign matter" was introduced into the Irish system, too strong to be expelled, so bitter and alien as to be with difficulty absorbed. In the second place a selfish and heartless exploitation

was substituted for a generous and considerate overlordship. Ireland was regarded simply as the milch - cow for Norman - English greed. The "loyalty" of the invaders was gradually quenched as they discovered that their interests were subordinated to those of London. Thus the invading barons sank more and more into Irish chieftains,¹ and ultimately provided some of the greatest leaders of the Irish national cause.

This half-hearted yet reckless policy ruined the peace and order of Ireland throughout the rest of Separatism of the middle ages. England was ab-English policy sorbed, from the middle of the fourteenth to the middle of the fifteenth century, in the Hundred Years' War, and in the treatment of her own social ailments. For another half century the Wars of the Roses left her no strength for external adventure. During this time Ireland was left for the most part, to "stew in its juice." The Statute of Kilkenny (1367) endeavoured (in a spirit more barbarous than that of modern Prussian or Russian statecraft) to stereotype the separation of English law and life within the Pale from Irish law and life without it. But the effort failed. The Irish and their invaders drew closer together. "Irish speech was so universal that a proclamation of Henry VIII. in a Dublin Parliament had to be translated into Irish by the Earl of Ormond."²

It was left for the Tudor despotism to achieve

¹ Walpole's "History of Ireland," p. 58.

² Mrs Green's "Irish Nationality," p. 112.

that thorough conquest of Ireland which neither Henry II. nor his successors had had leisure to complete. To this task Henry VIII ^{The Tudor} bent his ruthless energies, directing ^{subjugation} them first against the great Anglo-Irish lords. The lord-deputy's English siege-train battered down their hitherto impregnable castles. The Geraldines were hanged at Tyburn. Munster and Connaught were overrun by Henry's troops and subdued. By 1542 the English king was supreme throughout Ireland. Meanwhile, in 1537, the Irish monasteries had been dissolved, to the number of more than four hundred, and in 1542 all their property was declared confiscated to the crown. The bulk of their lands was given to Englishmen of the king's council in Dublin, to the corporate towns, or to friendly Irish or Anglo-Irish chiefs—the chief recipients being the judges, the lords of the Pale, and a few army officers.¹

Henry's policy then turned to the winning over of the chieftains of Ireland, by lavish bribes of land and power, to an acknowledgment ^{Confiscation} of the English supremacy. ^{of Irish lands} This policy, which Henry had pursued with his new nobility in England, brought him in Ireland a rich crop of new adherents; and to the Irish people a rich crop of future trouble. A string of new baronies was created, and the "loyal" chiefs were assigned houses in Dublin, where, by attending the parliament, they might "suck in civility with the court air." Above all, the old Irish system of tribal

¹ Walpole's "History of the Kingdom of Ireland," p. 92.

land-tenure was declared abolished, and the forfeited land (stolen from the Irish people) was given by the king to his new dependents as a grant in fee to themselves and their heirs. "These laws," writes Mrs Green,¹ "and confiscations gave to the new sovereigns of the Irish the particular advantage that if their subjects should resist the taking of the land, they were legally 'rebels,' and as such outside the laws of war. It was this new fiction of law that gave the Tudor wars their unsurpassed horror. Thus began what Bacon called the 'wild chase on the wild Irishmen.' . . . At a prodigious price, at inconceivable cost of human woe, the purging of the soil from the Irish race was begun."

Having robbed them of their land, the Tudor despot (a genius for creating strife and anarchy in the name of "order") endeavoured to crush the national faith. The shrines of Irish saints were pillaged, and venerated relics of Patrick and Columba consigned to the flames. Englishmen were placed in Irish sees, and the English liturgy was introduced. No sooner had Elizabeth ascended the throne than she secured the passage of the Act of Uniformity through a carefully packed parliament in Dublin.² "It is not surprising," says an English historian,³ "that the mass of the people were driven into the arms of the begging friars, who preached the ancient faith in the native tongue upon the bare hillsides, and enjoined an undying hatred of the Anglicizing Church of the Establishment."

¹ P. 130.

² Walpole, p. 109.

³ *Ibid.* p. 111.

Hard on the ploughing up of the land by wholesale confiscation, followed a sowing of dragons' teeth in the shape of a prolonged "Plantation" system of "plantation." Two new of Munster shires, King's County and Queen's County, were granted out to English colonists in the reigns of Edward VI. and Mary, their native owners being either shot down or driven into outlawry. Under Elizabeth the "plantation" of Munster was attempted in 1570 by a corporation of twenty-seven volunteers, including Sir Humphrey Gilbert and Sir Richard Grenville; but it was not till 1586, after years of massacre and executions, that the project was completed. The chronicler Holinshed, and the poet Edmund Spenser, describe the utter desolation that was spread through this portion of the island after the suppression of the Desmond rebellion. Spenser himself was allotted 3000 acres in County Cork, and Sir Walter Raleigh 42,000 acres in Cork and Waterford. But, on the whole, the plantation was a failure, for the Irish peasantry remained, and their new masters were strangers in a strange land. "The only result of the ten years' desolation," says Walpole,¹ "was the enriching of a few adventurers and a knot of Elizabethan courtiers."

Soon there followed the goading of Ulster into rebellion, its relentless subjection by Mountjoy, and its subsequent plantation under Plantation of James I. in 1610-11. Six counties were Ulster held (as a result of the rebellion) to be escheated to the crown, and in them the pedant James decided

¹ P. 147.

to set up a new political and social system. The failure of the previous plantations was remembered. The province was mapped out into parishes and granted in small estates to an army of Scotch and English settlers. The whole of the "fat" land was cleared of Irish and granted to these "undertakers." "The object of James was to introduce a thoroughly Protestant and anti-Irish element, which should dominate the Roman Catholics and natives."¹ It cannot be denied that in this he succeeded. The "undertakers" were the ancestors of the "Protestant ascendancy" party of the eighteenth century and of our own time.

The best that can be said of the treatment of Ireland by the Tudors (and the same applies to Mr Bryce and James I.) is that "the cruelties which Mrs Green on accompanied Elizabeth's campaigns and England's policy the more revolting injustice of her administrative policy were no worse than those which belonged to war and conquest generally in that age—no worse than the conduct of Alva in Holland, or of Ferdinand II. and Tilly in Germany a generation later. We need not wonder," continues Mr Bryce,² "that a half-naked peasantry, speaking a strange tongue, received as little sympathy from English captains, or even from scholars like Edmund Spenser, as Mexicans did from the soldiers of Cortez. But it was inauspicious that the work of constructing a stable government should have begun in Ireland four centuries later than in the rest of Europe ;

¹ Walpole, p. 185.

² "Two Centuries of Irish History," Introduction, p. 16.

that it should have been accompanied by a dispossession of the people from their lands and the unsparing use of fire and famine, as well as of the sword; that the venom of religious hatred should have been added to the hostility of races in different stages of civilisation." "Henry VIII.," says Mrs Green,¹ "had found Ireland a land of Irish civilization and law, with a people living by tribal tenure, and two races drawing together to form a new self-governing nation. A hundred years later, when Elizabeth and James I. had completed his work, all the great leaders, Anglo-Irish and Irish, had disappeared, the people had been half-exterminated, alien and hostile planters set in their places, tribal tenure obliterated, every trace of Irish law swept clean from the Irish statute-book, and an English form of state government effectively established."

The story is an inglorious one; revealing, on the one hand, the thin quality of the ethics and humanity which lay beneath the glitter and brilliance of the Elizabethan age; and, on the other, the faculty which our "strong" Tudor sovereigns displayed of leaving unstanched and mortified wounds to be healed by posterity. The "English Peace" is here no better than that Pax Romana which Tacitus made the Caledonian chieftain denounce, fifteen centuries before: "To spoil, to butcher, and to commit every kind of violence, they style by a lying name, *Government*: and when they have spread a general desolation, they call it *Peace*."

¹ "Irish Nationality" p. 136-7.

On the eve of the Civil War between Charles I. and his Parliament, the Irish nation, with the **The Irish Rebellion crushed by Cromwell** "Thorough" policy of Strafford fresh in their memory, rose in arms against their oppressors. By an ironical mischance it was left for Cromwell, the champion of political liberty, and more disposed than most of his generation towards religious freedom—to crush the rebellion in blood, to set Puritanism aflame against the Irish patriots, to set up an iniquitous misgovernment of Ireland by the English Parliament, and to stamp the "curse of Cromwell" deep in the memories of a conquered and humiliated people. Of the proscribed Irish soldiery, 34,000 were hurried into exile. Three-fourths of the land was confiscated in favour of a new horde of greedy "adventurers." By order of the Long Parliament in 1653, over 20,000 destitute men, women, and children were sold into slavery in the West Indies. Such was the ferocity of sectarian zeal which has always been the chief curse of Ireland. Again, on the eve of the English Revolution (1688-91) the Irish Catholics flew to arms, thinking to better their lot by the favour of the last and most fanatical of the Stuart kings; and again it was one of the best of our monarchs, William III., in those days of religious wars, who completed the work of Cromwell and the Tudors, and caused the Battle of the Boyne to be remembered rather as the triumph of Orangemen over Catholics, than as the final overthrow of the tyrannical James II.

Between 1691 and 1782 the government of Ireland

was in the hands of the Parliament of England. Its first act was to break the Treaty of Limerick, which promised freedom of worship to the Catholics and the security of their estates. By 1700 so wholesale had been the seizure of the land from

Misgovern-
ment by the
English
Parliament,
1691-1782

Roman Catholic proprietors and its distribution among Protestants, that scarcely one-seventh of the land of Ireland remained in the hands of the former.¹ The Irish wool trade was crushed—in the same spirit of protectionism with which the efforts of the Scotch to foster the growth of trade and commerce were frustrated. The Habeas Corpus Act was suspended. A series of penal laws was promulgated against the Catholics. “Laws which would have sounded infamous if directed openly to the seizing of property, took on a sacred character as a religious effort to suppress false doctrine.”² “In 1720 all trade was at a stand, the country bare of money, ‘want and misery in every face.’ Meanwhile the English successfully pushed their own business in a country which they allowed to make nothing for itself. The people poured from this ‘sod of misery’ across the sea. In the service of France alone 450,000 Irish soldiers were reckoned to have died between 1691 and 1745. Uncounted thousands from north and south sailed to America.”³ A wealth of ability was thus lost to the United Kingdom such as perhaps no other country has cast into the sea. And the exiles cherished bitter memories. Amongst the signatories of the Declara-

¹ Walpole, p. 329. ² “Irish Nationality,” p. 173. ³ *Ibid.* p. 177-8.

tion of Independence there were eight Irishmen. In the words of Grattan, "what they trampled on in Europe would sting them in America."

During the seventy years that followed the surrender of Limerick the Irish Catholics attempted Misery of the no fresh rising. Their industries were country crushed; their religion proscribed; all their clergy but a thousand registered priests were hunted like wild beasts¹; their land was taken; their more vigorous men went into exile; their country gentry were degraded by a cruel penal code into lawless vagabonds; one-third of the whole rental of Ireland was drained away to England for the benefit of absentee landlords²; the wretched peasantry were rackrented by middlemen; the whole machinery of government was in the hands of the Protestant garrison and the English Parliament; an English Act of 1719 deprived the Dublin legislature of its last remnant of independent authority.

The revolt of the North American Colonies against the foolish tyranny of George III.'s government, and the injury done to the English colonists in Ireland by the destruction of their trade to suit the selfish interests of English merchants, combined at length to fan the flame of a revived national feeling. Bodies of volunteers were enrolled; Grattan passed a demand for free exports and imports through the Parliament in Dublin (1779), and Lord North and the English government were compelled to submit to this reversal of their policy. Grattan at once

¹ See Lecky's "History of Ireland in the 18th century," vol. i. p. 160.

² Walpole, p. 373.

followed up this victory by a demand for legislative independence, and the Whig ministry which had succeeded the disastrous ministry of Lord North in London, thought well to concede this demand by repealing the Act of 6 George I. on June 21st, 1782. Thus was the Irish Parliament freed of English overlordship; and its first act was to vote £100,000 for the British navy.

The experiment of an independent Parliament in Dublin lasted just eighteen years (1782-1800). Like the Parliament in England, the Grattan's Irish House of Commons was largely Parliament constituted of the representatives of rotten boroughs—all of them under the complete control of the owners of the soil, and two-thirds of them not being able to boast a hundred electors each. These seats were openly bought and sold, and 116 of them were owned by twenty-five proprietors. Time was needed to change this narrow and illiberal assembly into a body really representative of Irish public opinion; and goodwill, to allow those radical reforms of the law and administration which were imperatively called for by the condition of the country. It was soon, alas, made manifest that time and goodwill were not to be conceded to Ireland by the English government.

The commercial relations of England and Ireland provided the first, and perhaps the deepest, cause of fresh conflict between the two England's countries. British ports were shut selfish trade policy against manufacturing Ireland, but Irish ports were open to English goods. Pitt's projects to establish free-trade between the countries in

1785 were mutilated to such an extent that they were rejected by the Irish Parliament, Grattan describing them as "surrender of trade in the east, and of freedom in the west." The English oligarchy had no intention of permitting the further revival of Irish trade and commerce.

The all-powerful Chancellor Fitzgibbon secured, by alternate bribery and coercion, the defeat of every effort after reform or Catholic recognition, and turned both parliament and constitution into a mockery. A lavish pension-list secured the docility of the executive. Although a wonderful revival of prosperity had begun to show itself, the corruption and folly of the administration ruined the prospects of a national pacification. The Catholics, comprising seven-tenths of the population, called for a repeal of the penal code. In 1792 a partial measure of justice was secured to them, and in 1793 they were given an entry into the franchise and into civil and military offices. These concessions were, however, ruined by the passing of three Coercion Acts and a Convention Act (1793); and the fear of Irish patriotism, heightened by the stress of the great war with France, plunged the government into a fresh course of repression which precipitated the Rebellion of 1798.

Once again the revolt of the Irish was suppressed, amidst scenes of horror unprecedented even in Ireland. At the point of the sword, and by the use of wholesale bribery, the independent Irish Parliament was brought to an end, and the Act of Union forced,

in 1800, through the corrupt assembly in Dublin, of whose members only seven of the majority did not receive a bribe. "A hundred years of ceaseless agitation," writes an historian of Irish nationality,¹ "from the first tragedy of Robert Emmet's abortive rising in 1803, proclaimed the undying opposition of Irishmen to a Union that from the first lacked all moral sanction."

Beyond the destruction of the Irish Parliament in 1800 we need not carry this story of the arrest and repression of the development of a people by its more powerful neighbour. A record of impolicy and neglect It is a story of neglected opportunities, of impatient tyranny, of futile violence, and absent-minded statecraft which no Englishman can read without regret and even disgust. From the left-handed intervention of Henry II. to the imbecility of George III. no gleam of kindly neighbourliness, or patient statesmanship, or tolerant administration illuminated this dark chapter of our annals. The task of wooing Ireland was never attempted throughout these seven and a half centuries. Marriage by capture (a plan congenial enough to Henry VIII.) was tried, but Ireland's capacity for resistance robbed this alternative of success. The moments which England chose for intervention were inauspicious. Henry II., absorbed in the tasks of his continental empire and his contest with Becket, delegated his power to a handful of unprincipled Norman adventurers. The hands of Henry VIII. were too full of iconoclastic work in England, and

¹ "Irish Nationality," p. 221.

of his intrigues against Francis I., or Charles V., to do more than issue a few peremptory commands for coercion. Elizabeth was in the throes of a conflict with Spain and the Counter-Reformation, and she and her people looked upon the Catholics as treasonable plotters, to be hunted down and shot. Cromwell and William III. had to overthrow the Stuart dynasty, and their wars took the ferocious character of wars of religion. The independent Irish Parliament of 1782-1800 was never anything more than the dwarfed and enfeebled simulacrum of a Parliament, and it was watched with the eager jealousy of an English government embittered by the loss of its American colonies, alarmed by the success of the French Revolution, its blood heated and poisoned by the excitements and dangers of the struggle against Napoleon. The wounds of Ireland were too severe to be mended by this hasty surgery. "England had refused to listen to Grattan," writes Mr Bryce,¹ "she was next confronted by O'Connell. . . . She refused to listen to O'Connell, and found herself confronted by the Fenians."

"Thoughtful Englishmen of all parties," says Mr Bryce again, "admit that the chief cause which Contrast between Scotland and Ireland has prevented the union with Ireland from bearing the same fruits of contentment as the union with Scotland did is the fact that Ireland continued to be a dependency governed by a caste, and that her voice, whether through her own fault or that of England, or through

¹ "Two Centuries of Irish History," Introduction p. 27.

both, failed to make itself listened to in the council-halls of the Imperial Parliament, which would certainly have dealt with the evils of the country had it realized their gravity. . . . England did not heed, because she scarcely heard the complaints of the oppressed race." The denationalization of the ruling caste, after 1800, aggravated the difficulties of Irish government instead of ameliorating them. The Union of the Crowns of England and Scotland in 1603 was flattering to the pride of the Scots; and that of the Legislatures, in 1707, was not the climax of a bloody massacre and repression. "At the very moment when the bishops and most of the Roman Catholic clergy of Ireland were being hunted through the mountains like wolves, when rewards were publicly offered for their apprehension, when Mass could in many places only be celebrated by stealth on the hill-sides, the Church of the majority of the Scottish people was established and loaded with every mark of royal favour. There were in Scotland no general confiscations such as in Ireland repeatedly shook the foundations of social life; for the forfeitures of the '15 and the '45 in no way affected the social relations of the owners and occupiers of the soil. There were no penal laws enacted against seven-eighths of the nation. Scotland, again, has had no bureaucracy similar to that of Dublin Castle. In a word, her government has never at any time ceased to be national." ¹

¹ Hugh Law, M.P., in "Papers of the Patriots' Club," p. 155. London, 1904.

As we have seen in the previous pages, all three countries which constitute the "Celtic fringe" of the United Kingdom are at one failure to secure pacification in demanding a parliament to manage their own internal affairs, whilst, at the same time, they are loyal to the crown, and to the unity of the kingdom and of the empire. That the demand is more urgent in the case of Ireland is due, partly to her insular and more remote position, partly to the Catholic faith of the great majority of her people, but above all, to the extent of her sufferings, the depletion of her population, and her insatiable craving for this recognition of her national identity. The main charge against the English government of Ireland is this: that from the time of Henry II. it chose to assert a stark racial supremacy of English over Irish instead of setting up a friendly harmony between the two races; that from the time of Henry VIII. it showed a hatred and contempt for the religious faith of the Irish people. In both respects its attempt to govern Ireland failed. Irish nationalism has joined hands with Irish Catholicism to defeat this prolonged effort to establish a race and creed ascendancy. The only plan that has not been tried is that which presents the best promise of a national appeasement, viz. by a generous measure of self-government, to join both races and both creeds together in the common task of rehabilitating their country.

After all, the conditions of the problem are not

now what they were. The Anglican Church in Ireland has been disestablished. Most of the great absentee landlords have been bought out. The conscience of the English people has been touched by a knowledge of its sins of omission and commission in regard to the Irish people, and will tolerate no further experiments in the direction of repression of the old kind. The phenomenal success of the grant of self-government to the former South African Republics has even converted the historian and apologist of the South African War to a belief in Home Rule.¹ The majority of English Nonconformists, far from being opponents of the aspirations of the Nationalists, see in Home Rule the only way of depriving Roman Catholicism of its factitious strength as the upholder of justice for Irish claims, and of creating a new orientation of parties in Ireland which might give Protestantism a chance of useful service and growing influence. In English-speaking countries the day of the Democracy is at length dawning, and it becomes more and more abhorrent to maintain an anti-popular government at our own doors. It is not denied that the vast majority of English-speaking people throughout the Empire, and in the United States, would acclaim with joy the grant of self-government to Ireland. The House of Lords no longer blocks the way; and the Irish Nationalists hold the balance of party power at Westminster. The Irish leaders are neither apostles of rebellion nor fanatical

New condi-
tions more
hopeful

¹ See public declaration of Sir Arthur Conan Doyle, Sept. 1911.

Jesuits, but trained politicians, well aware that moderation in the hour of victory is the price they must pay for the success of their hopes. The gradual abatement of the violence of the Irish political propaganda has recently been acknowledged in the House of Commons by a leading British minister. Introducing the second reading of the Home Rule Bill, on 30th April 1912, Mr Winston Churchill said :—"The violence of the Irish movement has steadily been reduced as time has passed. O'Connell's fierce revolutionary agitation for the repeal of the Union was far less fierce, horrible, and dangerous in character than the rebellion of 1798. The Fenian movement of 1860 was less dangerous than O'Connell's agitation; the land movement of the 'eighties, though marked by many shocking incidents, was less violent than its precursor in the 'sixties; whilst since one of the great English parties in 1886 identified itself with the cause of Irish Home Rule, disturbances in Ireland have never been more serious than those which have attended Labour disputes in Great Britain." The growing geniality of the atmosphere presages the coming of a new and more fruitful season, and a further triumph of the Pax Britannica.

It is true that Protestant Ulster and English Toryism (though both in a degree less whole-hearted, The problem of Ulster if no less noisy than of old) still assert their undying hostility to this solution of the problem. So they did to the grant of self-government to the Transvaal and Orange River

Colony; but events have entirely confounded them within a decade, so quickly do things move in these new times, and such magic do magnanimity and liberty work in the tangled affairs of nations. The fears of Ulster are a prejudice, a theory, which (however reluctantly) they must submit to be put to the test; fears which the mass of English-speaking people believe to be ill-grounded and unworthy, but the outcome of which they will watch with ready sympathy, and a determination to see justice and liberty prevail. The chivalry of Ulster must not allow itself to become soured and rancid because of a political reverse to which all parties have to accustom themselves, and out of which all parties learn to wrest a new and perhaps loftier life. Let it have both the charity and the courage to bow to a decision which, if not its own, is made sincerely in the true interests (as is believed) of the whole of the population of Ireland. The wit of man fails to devise another solution, founded in reason and experience, of this age-long problem of Irish government. The appeasement of Ireland will wait no longer.

There is one way in which an Ulsterman can do more to win himself immortal fame, and to secure the extension of the Pax Britannica to "the distressful isle," than by all the vain repetitions of racial and sectarian hatred that secure, for the moment, the thoughtless cheers of fire-eating bigotry. Let him strike hands with the leaders of Nationalism at least to the extent that the leader of the Jameson

The
machinery of
appeasement

Raid has struck hands with General Botha. Let him set his face like adamant against all violent talk and threats, which can only exacerbate the wounds that patriotism seeks to heal; and come forth, as the compatriot and fellow-counsellor of those from whom he has too long been parted, and who would welcome with joy the first flush of the dawn of reconciliation. We send civic embassies from London to Berlin, from Berlin to London, to abate the misunderstanding of the German and English people. German and English pastors, traders, and workmen exchange visits and dine at each other's boards, to overcome the unnatural animosities which have been fostered by interests oblivious of the higher needs of civilisation. Is it too much to ask of Dublin and Belfast, of Londonderry and Cork, that they should set the machinery of conciliation to work, ere passion has once again got too tight a grip upon the Irish people for the voice of peace and moderation to make itself heard? It was from Ireland that the first missionaries of civilisation and religion pierced the pagan darkness of our native land. Let all the Churches of England return this gift by calling for a reunion with the Irish people, and a patient trial for the experiment of self-government which has brought peace to distracted South Africa and Canada, and may avail to bring peace to distracted Ireland. Those sectaries who breathe out hatred and strife—is there to be no end of their travesty of the religion of love and brotherhood? Surely patriotism does not consist in raking together the ashes of dying

hatreds and suspicions, and re-kindling them into flame ! In politics, as well as in religion, we must sometimes hear the voice of spring calling, and be filled with a great desire for a re-birth, a pure, fresh morning of regeneration. That is what Ireland needs ; and this she will soon attain, if her clergy and politicians remember the supreme requirement of their common Master, and with patient goodwill unite their various energies and capacities in the task of re-peopling Ireland's waste places, reviving her arts and industries, and cementing by their reconciliation the Peace of the United Kingdom.

CHAPTER VI

THE FOUNDATIONS OF DOMESTIC PEACE

THE course of our narrative has led us to anticipate some essential processes of internal development, Theme of chapter to a consideration of which we must now turn. It will be sought in this chapter to show that—at least for English-speaking people—the process of pacification rests upon the achievement of a certain balance of religious liberty, political powers, and social status. There is no peace for the Anglo-Saxon race until civil and religious freedom and a balance between the Estates of the Realm have first been secured.¹

Before proceeding to a discussion of this thesis we may remark that the progress of a nation is Reactions of "internal" and "external" peace conditioned by a series of delicate reactions between the various elements which make up the totality of its life ; and though it may be convenient to treat of our subject in separate sections, the unity of the social structure must not be overlooked, or the intimate

¹ This statement, indeed, ought to be more generalised, for its application is not limited by racial frontiers. Cf. Dr Benjamin F. Trueblood, "The Historic Development of the Peace Idea," Boston, 1903, p. 16 :—"It is a noteworthy historic fact, deserving mention in connection with the opening of the nineteenth century, that the movement for the abolition of war and that for human liberty went hand in hand.

relation between "external" and "internal" development be ignored. This organic unity has appeared at several points in the account, in the preceding chapter, of the relations of England with Wales, Scotland, and Ireland. It will appear again when we come to deal, in subsequent chapters, with the development of British civilisation overseas. The peace of our home-land, the peace of the United Kingdom, and the peace of the Empire are not, and never were, three separate and independent processes of growth, but co-operative and inter-dependent phases of the evolution of a single people.

Illustrations of this principle may easily be adduced. It was the entire success of the Norman invasion and occupation of England which tempted Strongbow and his Illustrations filibusters to attempt a similar venture in Ireland. It was Edward I.'s policy of national consolidation that led him to try to bring first Wales and then Scotland within the area of his dominion and law. It was the pre-occupation of English arms in the Hundred Years' War and the Wars of the Roses that gave both Ireland and Scotland a respite, of which their distance, and the strength of their national feeling, aided them in availing themselves. It was Henry VIII.'s quarrel with the Papacy

Wherever the sense of liberty, civil or religious, became well developed, respect for the rights of other peoples appeared, and with it the feeling that war ought to cease and peace prevail. The two are really parts of the same movement, for slavery and war spring out of the same spirit. The demand for peace is a demand for justice, equal rights, and universal liberty."

and Elizabeth's duel with Philip II. of Spain and the Counter-Reformation that embittered their treatment of the Irish Catholics; whilst, on the other hand, it was the Calvinism of the Scottish ruling classes that threw them on the side of the English Parliament in the early stages of the Civil War, and helped to bring Charles I. to the block. The character of our Revolution Parliaments shaped and coloured their selfish trade policy, which wrecked the prosperity of Ireland, almost frustrated the Scottish Union, lost us our American Colonies, and drove us into a series of foreign wars. These events, in their turn, created by slow degrees the forces of public opinion and popular government which were destined to control both our home and foreign politics. That the consequence of foreign adventure is domestic distress, and the condition of social reform at home is peace abroad, is better understood by us to-day, with our sensitive credit economy and reacting bourses and argus-eyed daily press, than by our forefathers. But these factors always influenced the rate and quality of our national development.

The establishment of a settled peace within the realm implies a healthy flow of sympathy through-
The body and the members out its parts. Tyranny or imbecility at Westminster creates tremors now in Washington, now in Dublin, now in South Africa. Discontent in Ireland breeds contagion in our English politics, and adds to our difficulties, now with France, now with America. A brave word for tolerance, a brave deed for liberty, raise echoes

through the freemasonry of race, wherever the English tongue is spoken. The gain of law and order at home makes for the weakening of lawlessness and tyranny throughout the king's dominions. We might to-day, indeed, extend this area of sympathy beyond the limits of our own nation to the confines of the civilised world. For our immediate purpose, however, it will suffice to emphasise the interplay and organic connection between our "home" and "foreign" policy. The life of a ruling people, centring in the British Isles, but reaching out to great colonies and dependencies across the seas, cannot be regarded as though it were a series of water-tight compartments. The body enjoys health according to the health of its members, and the loss or gain of the part is the loss or gain of the whole. It is to the internal development of the heart of the Empire, during the years when the empire was in process of formation, that we must now turn. We shall discover, as we trace its course, the motivation of much that had happened, and was to happen, outside these isles.

The breakdown of feudalism at the close of the Wars of the Roses preceded the inauguration of a new age, with a new order of problems—social and economic, political and religious. The old order had striven (as we have seen in a previous chapter) to hold in check the barbarism which from it sprang. In England it had seemed to be making substantial advances towards well-organised national life. It

Exhaustion of
Mediævalism

had created an administration, a system of justice, and a legislature. It had won the Great Charter, founded universities, fostered trade and civic life. Under the Lancastrian kings it had tried a great "constitutional experiment," which, however unsuccessful for its own age, was to furnish many a precedent for the champions of constitutionalism in a later generation. It had converted a land economy into a money-economy, and dissolved the old feudal jurisdictions into the larger unity of the king's peace. The ideas and institutions of the Middle Ages, however, had exhausted their vitality. In England, the prolonged folly of the Hundred Years' War and the anarchy of the Wars of the Roses mutilated the constructive work of the twelfth and thirteenth centuries, and necessitated a new start on firmer and more enduring foundations.

With the opening of the sixteenth century the whole of Western Europe had been stirred by the vision of a New World, and kindled by the breath of a New Learning. The capture of Constantinople by the Turks in 1453 had dispersed Greek culture, to the enrichment of hungry scholars in Florence, in Germany, and in Oxford. In 1476 Caxton set up his printing press in the Almonry at Westminster. In 1492 Columbus sighted the West Indies. In 1520 Luther burned the Papal Bull. In 1580 Copernicus completed his treatise on the revolution of the heavenly spheres.

The old edifice of mediævalism scarcely needed

these shattering blows to bring it to the ground. The dual hegemony of the Empire and the Papacy, which had bound Europe together for centuries, was already effete. Rise of strong nationalities

“And so,” says Mr Bryce,¹ “in the midst of the Renaissance, so, under the consciousness that former things were passing from the earth, and a new order opening, so, with the other beliefs and memories of the Middle Ages, the shadowy rights of the Roman Empire melted away in the fuller modern light. . . . Henceforth we must look upon the Holy Roman Empire as lost in the German ; and after a few faint attempts to resuscitate old-fashioned claims, nothing remains to indicate its origin save a sounding title and a precedence among the states of Europe.” We now find the strong centralised monarchies of France, Spain, and England occupying the front of the stage : France, free at last from the hated invader, her discords stilled beneath a cunning and harsh despotism ; Spain, triumphant over the Saracen, strengthened by dynastic alliances, enriched with the new wealth of the Indies ; England, at the feet of the Tudors, her old nobility almost extinct, her traders ready to pay almost any price for order and a stable government, her commonalty as yet undisciplined and inarticulate.

The old unity of Christendom, too, was on the brink of dissolution. The seventy years long “Babylonish Captivity” of the Papacy at Avignon (1307-1378), followed by the great schism (1378-1415), during which, in Gibbon’s words, “two rival

¹ “Holy Roman Empire,” eighth edition, p. 314-5.

popes expected the allegiance of Christendom," destroyed the prestige of a hierarchy already enfeebled and corrupt. The Renaissance was followed inevitably by the Reformation; and we thus enter upon an age of both political and religious reconstruction, and of a menacing social unrest related to both these revolutionary changes, and influencing them both in turn.

Here were all the elements of fresh disturbance, fresh conflicts, fresh readjustments. Without attempting to tell, in this chapter, the full story of the constitutional, religious and social struggles which engaged our country for three centuries, from the accession of the Tudor dynasty, we must, nevertheless, consider the relation of these conflicts to the main topic of our study, and analyse their effects upon the development of our internal peace. We shall find that no pacification was regarded as possible by our countrymen until the battle for civic and religious liberty had been fought and won and some condition of equitable balance had been established between the various estates of the realm. And from this we shall deduce the conclusion that these elements constitute, always and everywhere, the essential foundations of the Peace of the Anglo-Saxon peoples.

Under Henry VIII. the authoritarian theory of government was developed in all its stark simplicity.

Henry had inherited a royal power which offered dangerous temptations to his masterful nature and his abounding egotism. The old feudal nobility was nearly

extinct; those few members of it who remained had to make a speedy choice between subservience to the king, or a royal displeasure which threatened them with attainder and the block. The new nobility was one of service; liable to be dismissed, as were both Wolsey and Thomas Cromwell in turn, the moment the tyrant's will was crossed; and made loyal to the throne by the titles and estates they received of its favour. The Parliament still remained, and its legislative and taxative functions were in form retained, but it was the docile instrument for the most part of the new autocracy, and it legitimated revolution, as it legitimated the succession of the children of Henry's various marriages, in obedience to the royal fiat. Between 1515 and 1528, with the exception of a single year, Parliament never even met; and during this period money was collected by Wolsey for his spendthrift master by forced loans and benevolences of the most oppressive kind. Fresh streams of wealth poured into the royal coffers as a result of Henry's plunder of the Church and confiscation of the property of the monasteries. There was no effective counterpoise to the royal supremacy which, in the person of Henry VIII. made itself all-powerful in both State and Church. The changes in the art of war, and the use of gunpowder, aggrandised the king at the expense of the nobles. The Church was debilitated, and could offer no resistance to an absolutism from which it feared its own spoliation and destruction. "The maxim that the King can do no wrong, however much he may wish to

do it ; that not only the property but the persons of his subjects are his own ; and that a man has a right to no more than the King's goodness thinks fit not to take from him," were obnoxious to the humane and rational principles of the government of " Utopia " ; but none had better reason than Sir Thomas More to know that they prevailed in Tudor England.

A heavy price had to be paid in blood and money for a " strong government " of the Tudor pattern ;
 The dark side of Henry VIII.'s tyranny and the price is too often forgotten amidst the laudations which see nothing but the " glory " and the glitter of such an age. With the wealth that he wrung from his people, and the plunder of the religious houses, Henry plunged into a series of Continental adventures and intrigues, which brought his country little profit. He easily completed the subjugation of Wales ; but the stronger resistance of Scotland and Ireland aroused his ferocity, and both countries felt the weight of his cruel and ruthless hand. Along with the profusion and display of his brilliant court there was accumulating a growing underworld of social discontent, made worse by the king's gross debasement of the currency. It is not with lust and tyranny upon the throne that the secure foundations of liberty are laid ; and neither the Irish nor the Scotch, the Catholics nor the Protestants, his own faithful servants nor the poor of his realm, had reason to be grateful to Henry VIII.

The statecraft of Elizabeth had much of the

same quality, for she was a true daughter of Henry and Anne Boleyn. She was a hard, cool, and brilliant captain for a perilous voyage ; Elizabeth's and in her own way she strove (as she statecraft said, when her end drew near) to serve and establish the greatness of her country. She was built, like her father, rather for the conquests of war than for those of peace. She rarely knew either love or pity ; and in an age when nations went to war, and people to the rack or stake, for their faith, she was never touched by the soft spirit of religion, and stamped the note of State-made piety upon the National Church of which she constituted herself the head. "Supremacy" and "Uniformity" were ideas congenial to our two mighty Tudor monarchs. But despotism in the State and Erastianism in the Church are not a heritage for which succeeding generations need to be unduly grateful. The problems which the Tudors solved were as nothing compared to problems they left to the posterity. Elizabeth rewarded her seamen for piracy and shared the ill-gotten spoils of their slave-raids. She soaked the soil of Ireland with blood, and rewarded her courtiers with the estates she stole from the Irish people. Her solitary and sad old age suggests the reflection that the "spacious days of great Elizabeth" were not a source of such sincere satisfaction to the Virgin Queen as her panegyrists would lead us to believe.

With the accession of the Stuart dynasty we enter upon the long and glorious struggle for civil and religious liberty which has left its mark upon

the subsequent history of the whole English-speaking race throughout the world. We need not enter here upon a discussion of the rightfulness or wrongfulness of armed resistance to political and ecclesiastical tyranny. None but a few Socinian, Anabaptist, and Quaker sectaries doubted its rightfulness in the seventeenth century, when the decisive conflicts for these principles took place. Even Chillingworth, who, according to Clarendon, "did really believe all war to be unlawful," soon saw that these ideas were fruitless in such an age, and himself contributed some engines of war for the siege of Gloucester, in 1643.¹ "No greater moral change ever passed over a nation," writes the historian, Green,² "than passed over England during the years which parted the middle of the reign of Elizabeth from the meeting of the Long Parliament. England became the people of a book, and that book was the Bible." It may be added that in the Old Testament writings the Puritans found abundant warrant (according to the views of the time) for a resort to arms. In May, 1854, an American (George Livermore, of Cambridgeport, Massachusetts) discovered a copy of "The Soldiers' Pocket Bible," printed in 1643 under the editorship of Edmund Calamy; a book which Cromwell's soldiers carried with them, buttoned between the coat and the waistcoat, and which was the indispensable companion of their campaigns. It is remarkable that of the

¹ Cf. "The Arbiter in Council," edited by F. W. Hirst, 1906, p. 511.

² "Short History," p. 447.

Scripture passages used in this manual, all save two were taken from the Old Testament; and that though the words of Christ (Matt. v. 44) are quoted, "But I say unto you love your enemies," they are immediately followed by 2 Chron. xix. 2, "Wouldest thou help the wicked, and love them that hate the Lord?" and Psalm cxxxix, 21-2, "Do not I hate them, O Lord, that hate thee, and do I not earnestly contend with them that rise up against thee? I hate them with an unfained hatred, as they were mine utter enemies."

Such was the temper of a time familiarised with oppression and tyranny; surrounded by the alarms of religious wars; mindful of the "fires of Smithfield," of Elizabeth's cruelty to Irish papists and Alva's excesses in the Netherlands; inoculated with a religious fervour of the most aggressive and least tolerant type; a world in which theology was mistaken for religion, uniformity for unity, and opinion for goodness and truth. This virus of sectarian and theological zeal embittered the secular conflict between the people and their tyrannical rulers which the Tudor despotism had made imminent, and flung the whole country into a welter of religious and political strife, out of which was to emerge a nation which had learned by suffering the value of free institutions and of liberty of conscience, and which was thus able to carry these priceless blessings with them throughout the world—the oil and essence of the Pax Britannica.

It was clear that there could be no internal

pacification in England until these principles of civic and religious freedom had been vindicated, and had received their constitutional sanction and security. But there was a difference between the old conflicts and the new. A middle class had arisen, averse from war for its own sake, ready to obey just laws, eager—so soon as their liberty from oppressive taxation and their freedom of worship had been won—to resume their profitable avocations of trade and commerce. The internal conflicts of the seventeenth century were no mere pillaging raids, no mere faction-fights between the retainers of rival bands of nobles, no dull conflicts of feudal levies over quarrels they knew nothing of, and for objects by which they gained nothing. The civilisation of the country had advanced beyond this primitive stage; and if the soil of England was still stained with the blood of Englishmen, it was in battle for the faith they held dearer than life, against a tyranny in State and Church which their developed manhood could no longer brook.

In tracing the course of this great struggle for freedom which laid the foundations of our internal peace, it will be convenient to speak first of the battle for

I. RELIGIOUS LIBERTY

As a purely speculative principle, the idea of religious toleration is to be found at the beginning of the sixteenth century in the “Utopia” of Sir Thomas More. The learned and devout constructor

of the kingdom of "Nowhere" was here, as in so many other respects, far in advance of the conceptions of his age. Recognising that "it is not in a man's power to believe what he list," More would have allowed that liberty of conscience which seemed an outrage to the dynasties of the Tudors and Stuarts, and which only received a partial realisation at the end of the seventeenth century, as a result of the Revolution.

The new confessions and systems of church discipline to which the Reformation gave birth shared one feature in common—an exclusive and dogmatic temper which promised ill for religious pacification.

Exclusive and
dogmatic
temper of the
time

Between the high-Anglican and high-prerogative Arminianism which, from the early years of James I. obtained the ascendant in the Church of England, and the Calvinism which, both within and without the Establishment, fought with it for mastery, there was no inclination either for tolerance or accommodation. Whilst, says Lecky,¹ the Protestant persecutions were never so sanguinary as those of the Catholics, the principle of persecution for opinion was affirmed quite as strongly, acted on quite as constantly, and defended quite as pertinaciously by the clergy. Edward VI. prohibited the celebration of the Mass. "On the accession of Elizabeth, and before the Catholics had given any signs of discontent, a law was made prohibiting any religious service other than the Prayer Book, the penalty for the third offence being imprisonment

¹ "History of Rationalism in Europe," vol. ii, c. 4.

for life. The Presbyterians through a long succession of reigns were imprisoned, branded, mutilated, scourged, and exposed in the pillory. Many Catholics under false pretences were tortured and hung. Anabaptists and Arians were burnt alive. In Ireland, the religion of the immense majority of the people was banned and proscribed, and when in 1626 the Government manifested some slight wish to grant it partial relief, nearly all the Irish Protestant bishops, under the presidency of Usher, assembled to protest in a solemn resolution against the indulgence."

The age was an age of "thorough," in ecclesiastical affairs as well as in civil government, and none of the great Protestant sects was free from the taint of intolerance. The Scotch Presbyterians rigidly suppressed the Mass. "One Mass," exclaimed John Knox, "is more fearful to me than if 10,000 armed enemies were landed in any part of the realm." In America, the Pilgrim Fathers proscribed and persecuted both Catholics and Quakers with an equal severity. Calvin's burning of Servetus for his opinions on the Trinity was received with almost unanimous applause by Protestants.

Leonard Busher, who had probably been one of Smith's Amsterdam flock of Anglo-Dutch Anabaptists, and had returned to England for toleration with Thomas Helwisse in 1611, is named by the historians of both Church and Dissent¹ as the first systematic pleader for complete toleration in England. In 1614 he presented to

¹ Stoughton, "Church History," i. 340; Masson, "Life and Times of Milton," iii. 99, etc.

King James I. and the English Parliament a pamphlet entitled "Religious Peace; or a Plea for Liberty of Conscience." But his plea had no chance whatever of acceptance by the rival schools who fulminated against each other the doctrines of the "*jus divinum*" of prelacy or presbyterianism. The vigorous working by Archbishop Bancroft of the *ex animo* subscription test in 1605, requiring a willing approval to the contents of the Prayer Book, and the burning of Bartholomew Legate and Edward Wightman for heresy in 1612, showed that the Puritans would receive as little sympathy or quarter from the first of the Stuart kings as the Catholics had done. The re-issue of the Book of Sports by Charles I. in 1633, the mutilation of Prynne, Burton, and Bastwick in 1637, and the attempt to impose the English liturgy upon the Scots in the same year, revealed the narrow and vehement high-churchmanship of Laud at its worst; whilst the non-resistance doctrines preached by Sibthorp and Mainwaring joined to the enormities of the Star Chamber and High Commission Court, forced into being that alliance of civil and religious discontent by which in a few years both Church and throne were to be overturned.

The intolerance of Bancroft and Laud would probably have been well matched, had they been in power, by that of their Puritan opponents. In 1616, the year of Shakespeare's death, Jacob's meeting of Independents in London published a declaration hostile to Leonard Busher's plea for liberty of

Prevalence of
intolerance up
to 1640

conscience. Had the Presbyterians had the power, we can scarcely deny them the will to have "tuned" the pulpits as vigorously as Laud did, and to have cropped the ears of Sibthorp and Mainwaring as whole-heartedly as Laud had pilloried Burton, Bastwick, and Prynne. "Nowhere on earth prior to 1640," writes Masson,¹ "unless it were in Holland, was Toleration in any effective form whatsoever anything more than the dream of a few persecuted sectaries or deep private thinkers." The meeting of the Long Parliament opened a new era. Laud was flung into the Tower, and his victims exalted to posts of authority. The Star Chamber and High Commission Court were abolished. Episcopacy, and afterwards the throne, were overturned. The position of parties and sects was reversed. Out of the experiments and struggles that followed, out of the chastening and humiliation that befell each faction of Church and State in turn, there came slowly to birth the idea of religious toleration, as well as of civil freedom.

The pioneers of freedom are usually to be found amongst those who have least enjoyed its benefits.

Beginnings of broader ideas The blows of tyranny produce, justly enough, this ironical effect, that they hammer heresy or rebellion into magnanimity, and raise up heroes of civilisation out of their proscribed and haunted victims. The services of the various religious sects to liberty of conscience are in the inverse ratio of their size, official recog-

¹ "Life and Times of Milton," ii. 108; *cf.* Lecky, "History of Rationalism," vol. ii. p. 27.

nition, and numerical importance. It is to Anabaptists, Socinians, and Quakers—names of horror to the bulk of the ruling factions of the Stuart period—that we must look for the fullest acceptance of the principle of toleration. The greater denominations were busy plying each other with their rival infallibilities—the priesthood, the episcopate, the presbytery. It remained for the obscure sectaries who were less wedded to external forms to enunciate the forgotten principles of spiritual unity, and to bear witness on behalf of that perfect freedom which may be made compatible with the greatest variety of divine service. These are the men who, piercing through the figments of ecclesiastical pretension, and perceiving that cruelty and persecution perpetrated in the name of religion are a mockery and a delusion, are able, few and weak though they be, to set the whole world aflame, and to lay the foundations of peace by justice, which shall not be moved.

The new Anglican Church of Elizabeth and the Stuarts can claim, as a whole, little credit for a policy of forbearance and toleration. The Prelatist It passed rapidly from the moderate temper
tion and reasonableness of “judicious” Hooker’s “Laws of Ecclesiastical Polity” to the divine-right doctrines of Bancroft and the pedantic tyranny of Laud.¹ Nor did her years of persecution under the Commonwealth soften the temper of Anglicanism. The first fruits of the Restoration were the terrible

¹ Carlyle spoke harshly of Laud as an “ill-starred pedant, like a college tutor whose whole world is forms, college rules.”

enactments of the Clarendon Code—the Corporation Act (1661), which compelled all corporate bodies to receive the sacrament according to the rights of the Church of England, to renounce the Covenant, and to take the oath of non-resistance; the Act of Uniformity (1662) which led to the ejection of the two thousand divines from the Church on Bartholomew's Day, and perpetuated the schism in the English Church; the Conventicle Act (1664), forbidding the assembly of more than four persons for worship outside the forms of the Establishment; and the Five Mile Act (1666), which drove dissenters outside the five-mile limit from corporate towns. These were followed by the Test Act in 1673, compelling all who held public offices to subscribe to Anglican rites, abjure the doctrine of transubstantiation, and take the oaths of allegiance and supremacy. Such was the predominant temper of Anglicanism throughout the seventeenth century—to be modified only partially, and with reluctance, in the eighteenth.

There were, however, some notable exceptions to this prevalence of an exclusive temper within the Establishment and these were to be found, chiefly, in the small but distinguished school of Latitudinarians.

A coterie of broad-minded thinkers had been accustomed, before the outbreak of the Civil War, to meet at the house of Lord Falkland, The Latitudinarians at Great Tew, near Oxford, and had formed a brilliant assembly of wits and divines. It was the distinction of these men to assert the

supremacy of reason in matters of faith, as Bacon had asserted it in the region of physical science—a bold adventure in those days of external authority. John Hales, a canon of Windsor, had declared, in his tract on Schism, his readiness to abolish religious tests, and recoiled with horror from the idea that dissent from established opinion involved damnation. His desire was that the Church of England should become the most tolerant and comprehensive church in Christendom. William Chillingworth, author of the famous work published in 1637, “The Religion of Protestants a Safe Way of Salvation,” declared for a system of comprehension by which many sects might have been gathered under the wing of a national Church. A simplification of belief, he argued, might lead to greater unity.

The dream of comprehension indulged by the Latitudinarians was, however, as unacceptable to the zealots of Puritanism as to those of Anglican orthodoxy. Chillingworth was on stronger ground when he swelled the chorus of revolt against the persecuting temper of the age. “Take away this persecuting, burning, cursing, damning of men,” he cried,¹ “for not subscribing to words of men as the words of God. Let those leave claiming infallibility that have no title to it; and let them that in their words disclaim it, disclaim it also in their deeds. In a word, take away tyranny, which is the devil’s instrument to support errors, and superstitions,

¹ “Religion of Protestants,” p. 190.

and impieties in the several parts of the world, which could not otherwise long withstand the power of truth. Protestants are inexcusable if they do offer violence to other men's consciences." How refreshing is this noble plea of reason and charity, amidst the arid dialectics of an age of theological controversy! How sad the response of rigid Puritanism in the person of Francis Cheynell, a member of the Westminster Assembly of Divines, who, hurling a copy of "The Religion of Protestants" into his friend Chillingworth's open grave, burst forth: "Get thee gone, thou cursed book, which has seduced so many faithful souls. Get thee gone, thou corrupt rotten book. Earth to earth, and dust to dust. Get thee into this place of rottenness, that thou mayest rot with the author, and see corruption!"

In Jeremy Taylor, the devout Bishop of Down, Connor, and Dromore, the Church may claim a still more powerful advocate of moderate toleration. Taylor's plan of comprehension was a rather narrower one than that of Chillingworth and Hales, including within the Church all such varieties of belief as were not inconsistent with the fundamental verities of the Gospel (a dubious phrase), and extending toleration outside the Church to all opinions which did not express themselves in overt acts injurious to the state (a fair proviso). "To tolerate," argued Taylor, in his "Liberty of Prophesying,"¹ "is not to persecute. And the question, whether the

¹ Works, viii. 142.

prince may tolerate divers persuasions is no more than whether he may lawfully persecute any man for not being of his opinion. Now in this case he is just so to tolerate diversity of persuasions as he is to tolerate public actions: for no opinion is judicable, nor no person punishable, but for a sin; and if his opinion, by reason of its managing or its effect, be in itself or become a sin to the person, then as he is to do towards other sins, so to that opinion or man so opining. But to believe so, or not so, when there is no more than mere believing, is not in his power to enjoin, therefore not to punish." Jeremy Taylor, in basing toleration to a great extent upon the uncertainty of truth, did not take the highest and strongest vantage ground. But his closely-reasoned and eloquent plea may be coupled with the "Religion of Protestants" as one of the illuminated texts of religious freedom.

We have seen how, after the Restoration in 1660, the hopes of the broader minds were disappointed. Charles II.'s promise to respect Post-Restoration Anglicanism "tenderness of conscience," contained in his Declaration from Breda, met with no sympathy amongst the Anglicans of the Savoy Conference or of the Restoration Parliament. The Clarendon Code proscribed Puritanism, and by the ejection of the two thousand divines established Nonconformity. The patriotic conduct of the Dissenters on the eve of the Revolution earned for them a charity which the sincerity of their beliefs had never sufficed to win. Sancroft urged

his brethren to pray for a blessed union of all the reformed churches. Bishop Burnet, in 1688, declared that gratitude for the loyalty of the Dissenters must compel the Church to make them "a return of ease and favour." Tillotson strove to bring about a comprehension scheme. The last act of the Non-Juring Bishops in their capacity of peers of Parliament was to plead for toleration of dissent. In May, 1689, the Toleration Act became the law of the land—a boon grudging and incomplete, but a practical surrender of their position by the party of intolerance.

The attitude of the Presbyterians towards religious freedom was as equivocal as that of the The "Old bulk of their episcopal opponents. Presbyters" Thomas Cartwright, in the middle of Elizabeth's reign, had claimed for the Genevan discipline a divine origin, and Covenanting Presbyterianism was as rigid in claiming "divine right" for its system as ever Bancroft and Laud had been for episcopacy and the Prayer Book. The Presbyterians groaned beneath the Laudian tyranny; but as soon as the outbreak of the Civil War set the Westminster Assembly in power they evinced a temper equally unaccommodating. Of the members of the Assembly, only the tiny group of five Independents favoured any idea of tolerance. Prynne, Bastwick, and others, untaught by their own suffering for opinion, became the fiercest enemies of religious freedom. In July 1644, appeared Edward's "Antapologia" (an answer to the "Apologetical Narration" of the previous

year) giving eight reasons why even the limited toleration demanded by the five Independent Divines should not be granted. In 1645 the Assembly promulgated the Directory of Public Worship, forbidding the use of the Prayer Book and enforcing a rival form. In the hour of their opportunity it was made manifest that the Presbyterians were bent simply upon reviving the Laudian attempt at uniformity, with a new bias; that, in Milton's memorable words, "New Presbyter's but old Priest writ large." So the sword of the army of the New Model had to be invoked, and in 1648 and 1649 both the Presbyterian Parliament and the Presbyterian Assembly were dispensed with. Richard Baxter, almost alone among his Presbyterian brethren, showed a more liberal spirit, but a general toleration of religious opinion was far from his mind. As for the Scotch Presbyterians, they were unwearied in their efforts to suppress liberty of conscience.¹

The attitude of the Independents was determined rather by the implications of their principle of autonomous church government, and by the political necessities of the time, than by any special softness or charity in their creed. Few of them had any philosophical

The Inde-
pendents :
John Milton

¹ In 1645 the Scottish Parliament addressed the English Parliament :— " The Parliament of this Kingdom is persuaded that the piety and wisdom of the honourable houses will never admit toleration of any sects or schisms contrary to our solemn league and covenant," and at the same time published a solemn " declaration against toleration of sectaries and liberty of conscience." Cf. Lecky " Rationalism in Europe," vol. ii. p. 27, and Neal, " History of the Puritans," vol. ii. pp. 221-2.

predilections in favour of religious freedom, as the Latitudinarians had ; but they were led to the right solution by the perception that toleration was really a question of civil government. A few isolated Independents had, however, by 1640, reached the larger idea of liberty of conscience. Of such were Henry Burton, who published (in 1641) his "Protestant Protested," Roger Williams, and the Baptists generally ; Barrow and Goodwin declared for an unlimited toleration round an established national church. Goodwin even expressed his readiness to extend toleration to "Jews, Turks, and Papists"—a rare concession for that day. In his "Areopagitica" John Milton protested vehemently against the new tyranny of Presbyterianism ; and though he did not commit himself to any advanced scheme, he vindicated, with stately eloquence, untrammelled freedom of thought. "A little generous prudence," he pleaded, "a little forbearance of one another, and some grain of charity, might win all these diligencies to join and unite in one brotherly and general search after Truth ; could we but forego this Prelatical tradition of crowding free consciences and Christian liberties into canons and precepts of men. . . I fear yet this iron yoke of outward conformity hath left a slavish print upon our necks. . . . It is surely more wholesome, prudent, and Christian that many be tolerated, rather than all compelled."

More directly concerned, as a governor, in the religious controversy, was Milton's master, Oliver Cromwell. His liberal sympathies were shown as

early as 1644, when he enforced the "Accommodation Order," for the toleration of Independents, upon the Presbyterians. In 1653 the ^{Oliver} thirty-sixth and thirty-seventh articles ^{Cromwell} of his Declaration of the Council of State provided that liberty of worship be granted to all such (saving morality and the public peace) "as profess faith in God by Jesus Christ, though differing from the doctrine, worship, or discipline publicly set forth." Cromwell joined Presbyterians with Independents as "Triers" and was willing even to tolerate Jews—a thing at that time almost unheard of in Christendom. He was far in advance, in these respects, of the bulk of his supporters, though one or two bold spirits, like Sir Henry Vane, went even beyond him.

From the Cromwellian scheme of toleration, however, there were notable exceptions. The Papists scarcely one Protestant thought of sparing, and Cromwell's ruthless proscription of them in Ireland awoke none of the horror and shame which it stirs to-day. The Prelatists, too, were not spared, some two thousand or more divines being expelled from the establishment under the Commonwealth. The Quakers—that noble little community which more than any section of organised Christianity has deserved the blessing that rewards the peace-makers—were mercilessly persecuted by mixed boards of Presbyterians and Independents. Baxter doomed them to utter damnation. Owen had two Quaker women whipped at Oxford. No less than 3173 Quakers were imprisoned under the Protectorate,

of whom thirty-two died in prison. Wherever he was able, Cromwell gave them relief; but the great majority of his supporters lagged far behind such minds as Cromwell's, Milton's, Harrington's, and Vane's, in reference to the principle and practice of religious freedom.

A return of good for evil was made by the great Quaker, William Penn, when in 1682 he set up his new colony of Pennsylvania across the river Delaware in America. In the opening words of the Constitution of his new commonwealth occur these noble words:—"In reverence to God, the father of light and spirits, the author as well as the object of all divine knowledge, faith, and worship, I do, for me and mine, declare and establish for the first fundamental of the government of this country, that every person that doth or shall reside therein shall have and enjoy the free profession of her or his faith and exercise of worship towards God in such a way or manner as every such person shall in conscience believe is the most acceptable to God." Alas, that from this indulgence the Roman Catholics were still excluded!

It remained for the philosopher, John Locke, who has been called the "Interpreter of the 1688 Revolution," to solve the problem which had vexed all the English sects alike for a hundred years. In 1685 he published the first of his three "Letters on Toleration." He boldly removed the discussion from the domain of theology, and based his plea on

Locke's
"Letters on
Toleration"

the foundation of political righteousness. In an elaborate course of reasoning, he ridiculed the opposition to toleration as an absurdity, and showed that mutual forbearance was the only atmosphere in which a righteous society could exist.

The Toleration Act (1 William and Mary, cap. 18), which became law on the 24th of May 1689, did not give all for which Locke had pleaded The Tolera-
tion Act or that the situation called for. It exempted persons who took the new oaths of allegiance and supremacy, and made the declaration against popery required by the Act of 1678, from the penalties incurred by absenting themselves from church and holding unlawful conventicles. Dissenters were permitted to meet for worship in their own places. The provisions of the Corporation and Test Acts were not relaxed. All preachers were required to declare their approval of the Thirty-nine Articles, with the exception of the thirty-fourth, thirty-sixth, and part of the twentieth (relating to church discipline, ceremony, and the episcopate). Dissenters were still required to pay church-rates and tithes. Finally, all who denied the doctrine of the Trinity, in addition to the Catholics, were excluded from the benefit of the Act.

All the efforts of King William and the Latitudinarians failed to obtain a wider measure of liberty than this from a Parliament dominated by a hard and militant type of Anglicanism. It rejected an accompanying Comprehension scheme, and insisted on retaining the Test and Corporation Acts upon the statute book.

Still, a substantial victory had been won for religious freedom, if not for religious equality; and the Toleration Act, if it did not put an end to religious faction, and to the disabilities for conscientious opinion under which a large portion of the nation still remained, at least brought to an end the wretched struggle of a century and a half to impose "uniformity" of religious rite and opinion on an unwilling people, to beat down differences which flourished and abounded the more they were persecuted, and to maintain pretensions to infallibility and divine right whose only issue were proscription, blood and tears. The Act laid a solid foundation for a series of further liberating statutes, and in this sense it deserves to be remembered as the Magna Charta of religious freedom.

We may summarise briefly the further steps by which the religious pacification of England has been extended and secured. Subsequent developments
 dissenting meeting-houses sprang up rapidly in the generation following the Revolution, and though some of these were destroyed by mob-fury in the Sacheverell riots of 1710, they were soon rebuilt, and established themselves as the centres of a growing spiritual, social, and political influence. Dissenters began quietly to be elected to civic office, and the laws which forbade this were, for the most part, as quietly ignored. There was one prominent exception to this growth of better feeling; for the Corporation of London did not scruple to rebuild its Mansion House from

fines extorted from Dissenters who had been brought within the law. In 1779 the obligation upon Non-conformists to subscribe to the Articles was substantially modified in their favour. In 1778 many of the worst penalties against Roman Catholicism in Ireland and England were repealed. In 1812 the Five Mile Act and Conventicle Act (which had fallen into disuse since the Toleration Act) were removed from the statute book, and the penal laws against Quakers repealed. In 1813 the legal ban upon those who denied the doctrine of the Trinity was removed. In 1821 a bill for Catholic emancipation passed through the House of Commons, and eight years later this great act of justice received at length the assent of the House of Lords and became the law of the land—a year after the Test and Corporation Acts had been also repealed.

Step by step the removal of religious disabilities and inequalities proceeded throughout the nineteenth century. In 1845 the Jews ^{Removal of disabilities} were excused from being forced to take a Christian oath before they could hold public office, and in 1858 they were admitted to Parliament. Marriage in Dissenting chapels was legalised in 1836. In 1868 the payment of church rates was made voluntary. The Dissenters' Chapels Act, 1844, provided that the religious use of twenty-five years sufficed to establish legal possession of ecclesiastical property. In 1854 Oxford University opened its doors to Nonconformists, and two years later Cambridge admitted them to its

degrees. In 1871 all tests for admission to offices and degrees in the Universities were abolished. In 1868 Gladstone disestablished the Irish Church, a step towards religious equality doubtless soon to be taken in Wales also, but which still appears to be distant so far as England is concerned. Education, too, still remains to be freed from the bias of sectarian privilege. But a generation which has allowed Charles Bradlaugh an honoured place in the House of Commons, and removed from the Coronation Oath of George V. words offensive to the conscience of his Roman Catholic subjects, will not rest content until these remaining disabilities and inequalities are dealt with.

We need not discuss, in this place, the question whether this long, historic struggle for religious liberty, and for equality of opinion and belief under the law, has been justified by results. To-day the English Nonconformists number at least half of the inhabitants of the country, while it is claimed that those in communion with them throughout the world outnumber those in communion with the Anglican church by five or six to one.¹ Their services to religion and literature, to philanthropy and education, to social and political progress have been widespread and eminent. "I know the Dissenters," said Lord John Russell. "They gave us the emancipation of the slave. They

¹ "Nonconformity in the Nineteenth Century," by C. Silvester Horne, p. 159.

gave us the Reform Bill. They gave us Free Trade." They gave us, also, Cromwell and Milton, Bunyan and Locke, William Penn and Priestley and Price, Howard and Raikes and John Bright, Coleridge, Hazlitt, Carlyle, "George Eliot," the Martineaus, and the Brownings. In America they gave us Hawthorne, Emerson, Lowell, Bancroft, Whittier, Longfellow, and Bryant—besides a crowd of other worthies in different fields.

But even this is not an adequate measure of the mighty liberation of human thought and the human conscience which has been wrought out on British soil. The contagion of religious liberty has been carried wherever the English tongue is spoken. To-day the British Empire is the greatest Mohammedan Power in the world; and though, alas, the strident voice of sectarian contention is not yet silenced in our midst, it is an axiom of our national tradition that all sects and all opinions shall receive equal justice and equal liberty under the rule of our monarch. The most fruitful source of internal dissension, the most potent disturbing force of society—religious oppression—has been blotted out of our national life, to the infinite gain and security of our domestic peace. When absolute religious equality in the eyes of the law shall have been fully won, this majestic buttress of pacification will stand glorious and complete.

A far-reaching victory for peace

II. CIVIL LIBERTY AND THE BALANCE OF THE ESTATES

“The English,” said Emerson,¹ “have given importance to individuals, a principal end and fruit of every society. Every man is allowed and encouraged to be what he is, and is guarded in the indulgence of his whim. ‘Magna Charta,’ said Rushworth, ‘is such a fellow that he will have no sovereign.’ By this general activity, and by this sacredness of individuals, they have in seven hundred years evolved the principles of freedom. It is the land of patriots, martyrs, sages, and bards, and if the ocean out of which it emerged should wash it away, it will be remembered as an island famous for immortal laws, for the announcements of original right which make the stone tables of liberty.”

It is true that the English people, schooled through a long period of suffering and subjection, have learned well how to prize the freedom of the individual, and how to safeguard themselves against tyranny. It has been our national boast (may it ever be true!) that England is the home of liberty; that to touch the soil of England means freedom; that oppression fears the frown of Britain’s might, and hope springs to the heart of the enslaved at the sound of a free Briton’s voice.

“In our halls is hung
Armoury of the invincible knights of old :
We must be free or die, who speak the tongue
That Shakespeare spake ; the faith and morals hold
Which Milton held.”

¹ “English Traits,” ch. 18.

A favourite toast of the Whigs, and of the Liberals after them, was "Civil and religious liberty, all the world over;" and it will have become clear, from the course of our previous narrative, that during what we may call the heroic period of England's fight for freedom, religious and political motives and aims were inextricably blended.¹ Those who deny the rights of the free conscience usually end, if they do not begin, by denying also civil and political liberty. The Star Chamber and the High Commission Court were twin children of the same tyrannical prerogative. The Anglo-Catholics who exalted the divine right of James I. and Charles I. and flocked into the Cavalier armies during the Civil War, were confronted by Puritans who had to overturn both church and crown, because an equal tyranny proceeded from both alike. It is not always now the case, and it was not always then, that the forces of civil and religious freedom and of civil and religious tyranny, were co-extensive. But, through the aristocratic character and privileged position of the Anglican Church, which clung closely to the state which moulded and governed it, they tended steadily to become so. The liberals in the Church, though distinguished, were never

¹ "Both on the King's side and on that of his antagonists political and religious considerations were closely connected. The Laudian clergy being in a minority exalted the Royal prerogative from which they expected protection, and declared themselves in its favour even in such purely constitutional questions as those relating to arbitrary taxations, whilst the Calvinistic clergy and laity, feeling themselves to be in a majority, exalted the authority of Parliament by which that majority was represented." S. R. Gardiner, "Constitutional Documents of the Puritan Revolution," Introduction, p. 26.

numerous ; whilst the main stream of Nonconformity flowed generally in the direction of democratical as well as religious reform.

Our civil liberties were not, however, born, though they were mainly secured and extended, during the long struggle of the Civil War and the Revolution. A long and not unimportant history of enfranchisement lies behind that memorable conflict.

Throughout the whole period of our history before the Norman Conquest a considerable section of Servitude in the population was in a condition Old England either of entire, or of partial slavery. "The Germans," says Hallam, "in their primitive settlements, were accustomed to the notion of slavery, incurred not only by captivity, but by crimes, by debt, and especially by loss in gaming."¹ In their migration to Britain "even the slaves," says Stubbs,² "were not left behind ;" and there were soon many new slaves of British blood. In the English township "serf and laet took the place of colonus and slave."³ Freedom was an altogether relative term in Anglo-Saxon society. Below the thegns or great landowners (of various grades), and the non-noble freemen, were the laets or dependent holders (*adscripti glebæ*) and the theow or slave—a mere chattel who had "no place in the justice court, no kinsmen to claim vengeance or guilt-fine for his wrong."⁴ Mr Seebohm even maintained that the mass of the people in Anglo-Saxon England were from the first in a servile

¹ "Middle Ages," chap. ii. Part 2.

² "Const. Hist.," i. 831.

³ J. R. Green.

⁴ "Making of England," p. 193.

condition, and that their history, up to the Norman Conquest and beyond, has been one of progressive amelioration.¹ However this may be, we get some definite data in Domesday Book (1086) from which it appears that, below the rank of villeins, some nine per cent. of the whole population were then in the condition of *servi* or slaves. "Absolute slavery, however, disappeared," says Professor Ashley, "in less than a century after the Norman Conquest, and the *servi* became customary holders of small plots, like the cotters elsewhere, but on more onerous conditions." The decay of feudal tenure, and the adoption of money rents and money payments for services, led, in the period subsequent to the Peasants' Revolt (1381), to the steady amelioration of the legal position of the villeins and practically to the entire abolition of serfdom by the end of the Middle Ages.²

We have seen in our earlier chapters how the local institutions of the Anglo-Saxons, organised and enlarged by the Norman and Plantagenet kings, developed into a system of central and local justice, and a Parliament containing representatives from the shires and towns. The first step to liberty is the assertion of the supremacy of law; and the gradual evolution of a national representative body for the formation of the law (by discussion and advice), and of machinery to declare the law when made and see to its due enforcement, was the

¹ Ashley, "Economic History," i. p. 15.

² Gneist, "Const. Hist.," p. 441.

essential preliminary, without which the victories of the seventeenth century could not have been won. The provisions of Magna Charta (solemnly confirmed thirty-eight times before the end of the Middle Ages) which forbade arbitrary imprisonment, promised equal justice to all, affirmed the principle of no taxation without consent, secured their privileges to the towns, and set up a committee to enforce the Charter upon the king himself—this famous instrument gave the future builders of English liberty a solid foundation upon which to stand. “Its origin and its confirmations,” says Gneist,¹ “kept alive for centuries the feeling of the community of certain fundamental rights for all classes, and the consciousness that a nobility cannot possibly assert rights and liberties without also guaranteeing to the weaker classes their personal liberty. . . . Upon the foundation thus won further efforts could not tend towards asserting exclusive privileges, but only towards regulating the political sovereign rights according to law, and thus gaining a constitutional co-operation. By Magna Charta English history irrevocably took the direction of securing constitutional liberty by administrative law.”

From the time of Edward I. what has been called “the century of organising statutes” took up the task which the great Charter had commenced. The central government was brought into organic union with the counties, hundreds, and boroughs. The jury system was developed, and gradually

¹ “Const. Hist.,” p. 253.

superseded older and cruder methods of justice. A new system of police control, under local justices was established, and along with it a system of local taxation. The King's courts of justice were systematised and extended. In the reign of Edward III. Parliament succeeded in establishing what Hallam describes as "three essential principles of our government; viz. the illegality of raising money without consent; the necessity that the two Houses should concur for any alterations in the law; and lastly, the right of the Commons to inquire into public abuses, and to impeach public counsellors."¹ Under Richard II. the Commons asserted the right to have an account of the national expenditure, and the weapon of impeachment was frequently used. Parliament consummated its achievements by a formal deposition of Richard by a resolution of both Houses (1399).

The Lancastrian kings reigned by a Parliamentary title, and their Parliaments pressed the advantage which this gave them. In 1406 a series of reforms were forced upon Henry IV. which Hallam considers scarcely inferior in constitutional importance to the Petition of Right under Charles I. In 1401 the principle was asserted that redress should precede supply; and in 1407 the Commons established their power to initiate money grants. Along with these accretions of constitutional power were secured the freedom of Parliamentary speech, and the principle of ministerial responsibility. This

Premature
Parliamentary
development

¹ "Middle Ages," ch. viii. Part 3.

triumph of the legislature over the executive proved, however, to be a premature victory. The outbreak of the Wars of the Roses submerged constitutional growth and placed English liberties, for over a century, at the mercy of the New Monarchy. In these years the executive reigned supreme, for Parliament was either dispensed with or manipulated—though it mustered sufficient courage on one or two occasions to thwart excessive financial demands. During this period forced loans, benevolences, and grants of monopolies, took the place of taxation regularly sanctioned by Parliament; royal proclamations were made to serve instead (or alongside of) statutes, whilst the royal Council infringed the liberty of the subject and the Star Chamber intimidated juries. The ability of Elizabeth, and the necessity of national cohesion in the face of the danger from Spain, secured a postponement of the day of reckoning which had now become inevitable between the principles of liberty and tyranny. The character of the Stuarts, on the one hand, and the enlarged culture and prosperity of the middle classes on the other, added to the fact that the menace of foreign invasion was now removed, gave promise that a stern fight would be waged around the principles of royal prerogative and personal and political liberty. It was out of this conflict that the free England that we know and love was born.

Not only were the Stuarts lacking in the ability which the Tudors had shown to play the part of despots, but the social, intellectual, and religious

changes which had come upon society had resulted in the time for despotism being overpast. This alien and feckless dynasty tried to coerce a people's conscience just when The Stuarts religion had come to be a passionate conviction of men's hearts. They tried to override and overtax them just when commercial prosperity had given them power to resist. They tried to silence them when the printing press and the pulpit had placed the power of popular education and agitation within their reach. They talked of the divine right of kings and bishops to those who had just got the Bible freshly in their hands and hearts.

James I. speedily disenchanted both parliament and people of any remnant of their worship of autocratic monarchy that remained, The causation of the Long Parliament and the temper of his Parliaments of 1614 and 1621 showed that the storm was about to burst. His successor, Charles I., by calling Laud to his councils, did but inflame the wounds his father had inflicted. Eliot led the Commons to an impeachment of Buckingham, the royal favourite. In 1628 the Petition of Right was forced on the statute book, enacting that there should be no taxation without consent of Parliament, that there should be no illegal imprisonment, that there should be no forcible billeting of soldiery in private houses, and no use of martial law in time of peace. "The Petition of Right," says Gardiner, "is memorable as the first statutory restriction of the powers of the Crown since the accession of the Tudor dynasty." Charles, head-

strong and unwarned, dissolved Parliament in 1629, and entered upon his fatal decade of government by prerogative alone, with Strafford and Laud as his ministers. Eliot, whom Green calls "the first martyr of English liberty," died in the Tower. In 1637 John Hampden vindicated the personal and political liberties of Englishmen by refusing payment of Ship-money. Meantime, the oppression of the Courts of Star Chamber and High Commission was driving Puritans and patriots to a frenzy of resistance; and Laud's attempt to force episcopacy upon the Scots was bringing into the field a force which was destined to turn the scale against the royal tyranny. In 1640 the memorable meeting of the Long Parliament began—and the Parliament assembled with an armed force behind it.

The proceedings that followed the assembly of the Long Parliament—superbly led by the popular Somersetshire squire John Pym, "King Pym," as his admirers called him—were dictated as well by fear of a possible reaction as by indignation at the eleven years of Charles' rule by his sole prerogative. The object of the Triennial Act (16 Car. I. cap. I.) was to safeguard against such another intermission of Parliamentary authority; and it was backed by a further act forbidding the dissolution of the Long Parliament without its own consent. The Tonnage and Poundage Act (June 22nd, 1641) gave the king all the revenue which by law was customary and sufficient to allow him "to live of his own" in time of peace; but the grant was

The defeat of
royal pre-
rogative

restricted (so great was the suspicion of the king) to a period of two months. On 5th July, the Courts of Star Chamber and High Commission were abolished; and other statutes branded with illegality the levy of ship-money and the exaction of knighthood fines. All these limitations of the royal power (with the exception of the Triennial Act) were permanently accepted in 1660 by the government of the Restoration. The attainder and execution of Strafford and the imprisonment of Laud were prompted as much by fears for the future as by desire of vengeance for the past.

The Ulster Rebellion precipitated a more dangerous condition of affairs, for it filled the Puritans with fear of a counter-revolution. Deter- The Grand
 mined not to lose the ground that had Remonstrance
 been gained, the Puritans drew up and presented the Grand Remonstrance (December 1st, 1641),—a great indictment of the misgovernment of the realm containing no less than 204 counts. Of these we can only quote the 197th: “That His Majesty be humbly petitioned by both Houses to employ such counsellors, ambassadors and other ministers, in managing his business at home and abroad as the Parliament may have cause to confide in, without which we cannot give His Majesty such supplies for support of his own estate, nor such assistance to the Protestant party beyond the sea as is desired.” Charles’ answer, on 4th January 1642, was to appear in person at the House of Commons to effect the arrest of the five members. They escaped. “I see,” said the baffled king, “my birds are

flown." The breakdown of the subsequent negotiations proved that no compromise was possible between the two parties. On 22nd August Charles raised his standard at Nottingham and the Civil War commenced.

"In August 1641," says Gardiner,¹ "it seemed enough to wrest from the King the special powers acquired by the Crown since the accession of the Tudors, trusting to the power of stopping supplies to give everything else that might be needed. In June 1642, it seemed necessary that Parliament should directly and permanently grasp the control of the military, administrative, and judicial powers of the Crown. In February 1643 it appears to have been thought that financial and military control would be sufficient, without assigning to Parliament any permanent direct influence over the judicial and administrative appointments." But the chances and changes of war soon disturbed these nice calculations of a little less, and a little more. The victories of Cromwell's New Model, combined with the general distrust of Charles to make the abdication or dethronement of the king "the only possible temporary solution."² Charles was as shifty and evasive in his replies to the demands of the victorious Roundheads, as he was stubborn in his intrigues for a recovery of his lost authority. The army, however, would have none of his terms of agreement with the Presbyterians (though, as Gardiner has remarked, they formed practically the basis upon

¹ "Const. Documents," p. 43.

² *Ibid.*, p. 45.

which the restoration of the monarchy in 1660 was achieved). They presented instead, on the 1st of August 1647, the "Heads of the Proposals" drawn up by Ireton, and amended by the Council of the Army. This was a moderate and statesman-like attempt to make the king's power secondary to that of Parliament, whilst making Parliament itself more amenable to the constituencies, and restricting the powers of the State over the liberties of individuals. There was to be an abolition of rotten boroughs and a redistribution of votes; liberty of conscience was to be declared, and defended against bishops and Covenanters alike. For seven years a Council of State was to act as the supreme executive, under the control of Parliament; but with these restrictions the authority of the Crown was to be maintained.

Such a solution was not to be, as yet. It was in advance of the political and religious intelligence of the times. It was met by the fatal Execution of Charles I. intrigues of the king. So the drama advanced to its fatal and predestined conclusion. The king plotted with the Scots. The army, impatient of Cromwell's and Ireton's efforts for a peaceful settlement, clamoured for an end to be made—the more so as there were many signs of a gathering Royalist reaction. The Second Civil War opened with the Independent Army resolved "to call Charles Stuart, that man of blood, to account." Cromwell routed the Royalists at Preston (August 16th 1648). Pride's Purge drove the Presbyterians out of Parliament. On

the 8th of January 1649, the remaining members of the House of Commons passed an Ordinance for the erection of a High Court of Justice for the trial of the king. A week later the "Agreement of the People" sketched out a republican constitution based on the "Heads of the Proposals," but omitting all reference to the monarch. On the 20th of January the High Court of Justice sat and heard the charges against Charles. On the 21st of January the king declined the jurisdiction of the Court. Sentence of death was pronounced on the 27th; the warrant signed on the 29th, and on the 30th of January 1649, Charles I. was beheaded on a scaffold erected in Whitehall as a "tyrant, traitor, murderer, and public enemy to the good people of this nation"—as the terms of his condemnation set forth.

Just as violent acts produce violent remedies, so these remedies themselves produce inevitable reactions. It is easy for later generations to condemn the violence of Cromwell and his fellow regicides, and to point to the restoration of 1660 as an evidence of their lack of foresight and statesmanship. When all is said, however, there remains this to be urged—that the bringing of Charles Stuart to the block has, so far as English-speaking peoples are concerned, for ever driven a chill of fear into the heart of tyranny, shattered the idol of the divine right of kings to govern ill, and animated the struggle for human liberty by the remembrance of a solemn and decisive assertion of popular sovereignty. Let the judgment of legality condemn the act as

Milton's
defence of
the deed

it will: the votaries of freedom will recall the solemn deliberation with which it was compassed by earnest and God-fearing men; the long aggrandisement of despotism which it arrested; the infinite provocations which preceded it; the indubitable fact that the name of Cromwell stands, and will stand, as a shining beacon of liberty. When a hollow and sickly sentiment began to gather about the legend of the "royal martyr" created by the Presbyterian preacher, Dr John Gauden's "Eikon Basilike," it was no less a person than John Milton who came forward and identified himself with the policy of the execution of Charles, both in his "Eikonoklastes," and his "Tenure of Kings and Magistrates." He spoke with contempt of those who "coming in the course of these affairs to have their share in great actions, above the form of law or custom, begin to swerve and almost shiver at the grandeur and majesty of some noble deed as if they were newly entered into a great sin." Professor Edward Dowden says of Milton's writings in defence of public liberty in England that they "have for their centre that act which he regarded as a solemn vindication of justice and the rights of an injured and insulted people—the execution of the King."¹

The eleven years' rule by prerogative (1629-1640) of Charles I., Strafford, and Laud, left nothing behind it but odious memories. The eleven years of the Commonwealth and Protectorate (1649-1660), with all their confusion and unrest, their mistakes of judgment

The Commonwealth and Protectorate, 1649-1660

¹ "Puritan and Anglican" p. 156.

and disappointed hopes, left a heritage of experiment and aspiration, which has enriched for all succeeding generations the English-speaking race. In every department of thought and speculation there was a quickened spirit of enquiry and activity. The company of men which included Milton and Andrew Marvell, Ireton and Admiral Blake, James Harrington and Sir Henry Vane, and at whose head towered Cromwell,—

“These moralists could act and comprehend ;
They knew how genuine glory was put on ;
Taught us how rightfully a nation shone
In splendour : what strength was, that would not bend
But in magnanimous meekness.”

They blundered : mistook the spirit of the time ; some of them lived to see their “ Paradise Lost ” and their work seemingly undone.¹ But their toil was not in vain. England and America drew inspiration from their efforts and guidance from their experiments in framing liberty. From their day we have known

“That in ourselves our safety must be sought ;
That by our own right hands it must be wrought ;
That we must stand unpropped, or be laid low.
O dastard whom such foretaste doth not cheer ! ”

With the Restoration of Charles II. Puritanism abandoned its reliance upon the sword. “ It ceased,” says the historian Green, “ from the long

¹ “ The truth probably was that there were too many antagonistic elements at work to endue any abstract constitution with stability.” D. J. Medley, “ Manual of Constitutional History,” p. 283.

attempt to build up a kingdom of God by force and violence, and fell back upon its truer work of building up a kingdom of righteousness in the hearts and consciences of men. It was from the moment of its seeming fall that its real victory began. . . . In the Revolution of 1688 Puritanism did the work of civil liberty which it had failed to do in that of 1642. . . . Slowly but steadily it introduced its own seriousness and purity into English society, English literature, English politics. The whole history of English progress since the Restoration, on its moral and spiritual sides, has been the history of Puritanism."

The Great Rebellion had not been in vain. The Courts of Star Chamber and High Commission were not revived. Feudal tenures were abolished, together with purveyance; and thus the financial sinews of despotism were cut. Charles II. and James II. dared neither to legislate nor to tax without Parliamentary consent. The principle of ministerial responsibility was jealously maintained. The restrictions which Henry VIII. and Elizabeth had placed upon the liberty of the press, and against which Milton had pleaded in vain in his "Areopagitica," were allowed to lapse in 1679. In the same year the Habeas Corpus Act strengthened and extended the old safeguards of Magna Charta for the liberty of the subject by enacting that every prisoner committed for any crime save treason or felony was entitled to a writ, and might not be imprisoned simply by royal warrant, or sent to jail beyond the seas.

Fruits of the
Great
Rebellion

Against these gains must be set the servility of the Restoration judges, the corruption of the juries, and the anti-national and anti-Protestant intrigues of Charles II. himself which endangered all the progress that had been made, and compelled a final assault upon the faithless Stuart dynasty. "Whilst Charles I.," says Gneist,¹ "politically undermined the belief in the Crown, Charles II. undermined it morally."

The profligacy of Charles II. and the abuses of his administration brought together again, at the end of his reign, that union of forces which had given strength to the Long Parliament in 1640; and it was at this moment that the fanatical James II. ascended the throne. His attempt to subvert the Church of England in favour of the Roman faith, and to beguile the Nonconformists into assent by offering them the bait of an Indulgence, signally failed to deceive the latter, and drove the former into communication with William of Orange. Even with servile judges and a packed jury James could not secure the condemnation of the Seven Bishops who had refused to read his second Declaration of Indulgence. The leaders of all parties forsook the foolish king. The Convention Parliament declared the throne vacant and transferred the crown to William and Mary; and the "great and glorious Revolution" was consummated with the consent of all, and without the shedding of blood.

The thirteen clauses of the "Declaration of

¹ "Constitutional History," p. 588.

Rights" formed the treaty between William III. and the English people upon which the Revolution of 1688-9 was based. It declared illegal the suspending of or dispensing with laws, the levying of money, the maintenance of a standing army in time of peace—without the consent of Parliament. It asserted the free right of petition, freedom of election, freedom and privilege of Parliamentary debates, and freedom from excessive bail and unjust punishment. It declared that for the redress of all grievances Parliament ought to meet frequently. Here was a great contract of legal and constitutional rights between king and people, which in 1689 became, as the Bill of Rights, the law of the land. It finally abolished the pretensions of divine right and, followed as it was by the Act of Settlement, made the authority of the Crown dependent upon a Parliamentary title. "In marvellous contrast" writes an eminent German historian of our constitution,¹ "to the later revolutions on the Continent in which enthusiasm for the idea of liberty engenders violence and subjection, in England the era of the wickedest royal family, of the most corrupt court, and at times of the most corrupt Parliament, becomes the era of great laws, which form the foundation of the political and moral liberty of the people. The struggles which have been carried on within this constitution between the great factors of political life, will remain for all future times fruitful precedents, which European society has

The new
national
compact

¹ Gneist, p. 614.

won; a lasting and durable gain for the recognition of the first principles of political liberty."

With the expulsion of the Stuart dynasty, the greatest menace to the internal peace of the realm was removed. Personal, political, and religious liberty were secured by the Habeas Corpus Act, the Bill of Rights, and the Toleration Act. There remained much to be done to enlarge the area of enfranchisement and adjust the balance of political influence and power. But the fundamentals were secured by 1689. The Reformation, the Great Rebellion, the Restoration, the Revolution were accomplished; and there would be, henceforth, no need for these mighty oscillations, so disturbing to the public peace. "The highest eulogy," says Macaulay,¹ "which can be pronounced on the Revolution of 1688 is this, that it was our last revolution. For the authority of law, for the security of property, for the peace of our streets, for the happiness of our homes, our gratitude is due, under Him who raises and pulls down nations at his pleasure, to the Long Parliament, to the Convention, and to William of Orange." "The Declaration of Right, though it made nothing law which had not been law before, contained the germ of the law which gave religious freedom to the Dissenter, of the law which secured the independence of the Judges, of the law which limited the duration of Parliaments, of the law which placed the liberty of the press under the

¹ "History of England," vol. ii. ch. xi.

protection of juries, of the law which prohibited the slave-trade, of the law which abolished the sacramental test, of the law which relieved the Roman Catholics from civil disabilities, of the law which reformed the representative system, of every good law which has been passed during more than a century and a half, of every good law which may hereafter in the course of ages be found necessary to promote the public weal, and to satisfy the demands of public opinion.”¹ The principles laid down by Hobbes, that the origin of power lay in the people, and its end was the people’s good; and those added by Hobbes’s pupil, John Locke, vindicating the right of resistance, and asserting the responsibility of princes to their subjects, and the supremacy of Parliament as representing the people’s will;—these were the tables of the law of civil government which the Revolution bequeathed to the world, and by which the peaceful development of English society and institutions was secured.²

We may conclude this survey by a rapid summary of the chief further steps by which, since the Revolution, the internal pacification then attained has been, as necessity arose, buttressed and strengthened.

By the Mutiny Act, 1689, Parliament asserted its control over the army; pay and disciplinary

¹ Macaulay, *loc. cit.*

² “Responsible self-government,” says Professor A. F. Pollard, “was not guaranteed by the laws, but it was ensured by the facts, of the Revolution.” (“The History of England: a Study in Political Evolution,” 1912, p. 137-8.)

powers being granted only for a few months and requiring annual legislative renewal. In the same way, in 1690, Parliamentary Control over administration: the control over the revenue was secured by the cessation of grants for life. The Cabinet by the necessity of passing an annual Mutiny Bill and Appropriation Bill resulted in the practical shifting of the seat of constitutional authority from the crown to the House of Commons; and this process was consummated by the development of the Cabinet System, the effective beginnings of which may be said to date from the time of the Whig Junto of 1693-4.¹ The idea of choosing the Ministers of the Crown exclusively from the party which commanded a majority in the House of Commons was suggested by the Earl of Sunderland. This plan gave a new unity to the administration, and resulted in the organisation of the House of Commons and the government on party lines. The executive

¹ The beginning of Cabinet government is frequently attributed to the "Cabal" government of Charles II. but it is more properly to be attributed (as by Gardiner and Green) to the post-Revolution date. "Even that great man, William III., was unable to form a coalition government of Whigs and Tories; in the years 1693-6 the dissenting elements silently retired, until an homogeneous Whig cabinet remained. William III. last presided at real deliberations of a (Privy) Council. Men became convinced by practical experience that the new bills and measures to which the Council was now confined, could only be laid before Parliament by a united Government entertaining the principles it advocated. For this reason no serious attempt was made to return to the old course of business in full sittings of the whole Council. The Privy Council exists now only as a ceremonious sitting of the ministry for the formal ratification and publication of such measures as constitutionally must proceed from the 'King in Council.' To this form of State government is attached the predominating influence of Parliament over its members and their policy." Gneist's "Constitutional History," pp. 682-3.

and legislature were brought into indissoluble connection. The ministers were still the "King's ministers"; but the responsibility for the acts of government lay now with the ministers alone. Neither could the king act without their advice, nor they shelter themselves for their acts behind his commands. "The efficient secret of the English Constitution," says Bagehot, "may be described as the close union, the nearly complete fusion, of the executive and legislative powers. The connecting link is the Cabinet." There were considerable discretionary powers (such as the power to dissolve Parliament, and to choose ministers) still left to the Crown; but these also came to be substantially limited, and on the whole, the ultimate authority of Parliament has never for long been disputed since the Revolution.

Parliament itself, however, has had to be made, from time to time, more truly representative of the public opinion upon which its Extension of authority rests; and the refusal or the Franchise undue delay of this democratization of Parliament has more than once endangered the internal peace of the realm. Under the Tudors and Stuarts a large number of "rotten boroughs" were created. Many of these became fortified strongholds of the gentry and nobility, who monopolised political power during the eighteenth century. The unenfranchised classes, though personally and socially free, had no active share in the business of the State. Throughout the eighteenth century, according

to Gneist,¹ the body of electors was limited to at most 200,000; an oligarchy which must have been tolerable only when it was remembered that, in the same period, absolutism and the *ancien régime* held sway among the other great European states. Whilst it cannot be denied that the English upper classes had rendered great services to liberty since the days of Magna Charta—their monopoly of political power now became a danger to the commonwealth. In state, in church, in the universities, in every branch of the national economy, a more democratical reconstruction became of paramount importance, as soon as the growth of industry, wealth, and population had begun to change the face of society. The successful war against religious intolerance and exclusiveness had no sooner effected the first breach in the entrenchments of the ruling class than an overpowering demand arose for the extension of the franchise. The burning of Nottingham Castle and the riots at Bristol showed that the movement was not to be trifled with; and in 1832 the Reform Act swept away fifty-six rotten boroughs, allotted members to the new centres of population, gave the franchise to all householders in the boroughs paying £10 a year in rent, and extended it in the counties to the £10 a year copyholders and £50 a year leaseholders. The number of electors, which, before the Act, amounted to 400,000, was at a stroke doubled. A rich crop of ameliorative legislation quickly proved the wisdom of the step that had been taken. In 1867

¹ "Constitutional History," p. 647.

and 1884 the rapid growth and changed distribution of the population was met by further Reform Acts, providing a still broader basis of franchise, as well as a redistribution of seats. Two further necessary steps still remain to be taken, to give full effect to the principles of government asserted by the Revolution. In the first place, we are far, even yet, from manhood suffrage, to which a free democracy seems destined to advance. In the second place, we have not yet had the courage and wisdom to admit women—who comprise half of our race, and share with us to the full both the burden of service and the ability of character which ought to constitute full citizenship—to the privileges and responsibilities of the franchise. If we have regard to the general course of our electoral history, and remind ourselves how, step by step, a broadening of the basis of our democracy has been found necessary as a means of internal pacification, we cannot doubt that these final steps of political justice will not much longer be denied.

A few other landmarks of our national progress towards internal peace may here be noted, though space forbids more than a brief mention. By the Act of Settlement, 1701, it was enacted (amongst other provisions) that no pardon under the great seal might be pleaded in defence of a Parliamentary impeachment—thus securing the responsibility of ministers. The same Act provided that judges should retain office only during good behaviour, and might be removed on an address from both Houses of

Supremacy
of the
Commons

Parliament. In 1711 Harley obtained a majority in the House of Lords by inducing Queen Anne to create twelve new peers. In 1763 John Wilkes, who had been arrested by general warrant for criticising the King's Speech in the "North Briton," was discharged by Chief Justice Pratt, who thus vindicated the privileges of a member of Parliament. In 1770 the interference of the Commons with the rights of electors in the case of John Wilkes roused a storm of agitation before which an oligarchical Parliament was compelled to bend. This agitation also raised the important question of the right of public meeting and association, a controversy carried on with vigour until 1824, when the Combination Laws were repealed. In 1771 was secured the right to report Parliamentary debates—a powerful instrument of Reform. In 1872 Mr Gladstone's Ballot Act legalised secret voting. In 1911 the Parliament Act overthrew the obstruction by the House of Lords of the legislative measures of the House of Commons, and secured the legislative supremacy of the representative assembly.

The course of internal development which we have outlined in this chapter has one main characteristic. It has been, throughout, a struggle against the authoritarian order of society which was bequeathed by the Middle Ages. Before the rights of free conscience and liberty of worship were secured, it was useless to talk of internal peace. Before the doctrine of Divine Right had been overthrown,

An inspiring
record of
liberation

acteristic. It has been, throughout, a
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of society which was bequeathed by

it was useless to dream of a free and law-abiding commonwealth. Before the attainment of popular representation and the supremacy of the House of Commons, it was vain to think that the danger of internal strife had been removed. Most of the decisive battles in this great movement of liberation were won by the close of the seventeenth century, and the English race has reason to be proud of its roll of heroes who led the assault against the entrenchments of bigotry, privilege, and tyranny. Eliot and Pym, Hampden and Vane, Cromwell and Milton, Busher and Chillingworth, Thomas More and John Locke—here is a glorious company of master-builders of the peace and order of the realm. The mission of every great man, said Carlyle is to establish order ; and these heroes have taught us, and through us the world, that the only secure bases of order are liberty and justice. Posterity acclaims their labours in that they laid the foundations of a national appeasement. If Churchman and Dissenter can to-day enjoy friendship and common work amidst differences of tradition and opinion, we owe it to those who broke down the idol of a senseless and impossible uniformity. If Liberal and Tory can discuss their differences without the futile violence of an appeal to arms, it is because they have drunk from this fount the knowledge that government by public discussion and public opinion is a surer way to peace and progress. There is, it is true, a kind of “ peace ” which is bred by domination out of subjection ; but it is a mere death-in-life which, to the Anglo-Saxon race, can never be any

thing more than the simulacrum of peace. It is only when civil and religious freedom are won that we are able to realise Milton's vision of "a noble and puissant nation, rousing herself like a strong man after sleep, and shaking her invincible locks."

Whenever, in our history subsequent to the Revolution, these principles have governed our external policy, success and pacification have rewarded our fidelity. When we have forgotten them, and gone back again to the weak and beggarly rudiments of tyranny and greed, war and sullen revolt have marked the measure of our apostasy. So true is it that "the seed grows after its kind," and that, in the lives of nations as of individuals, we garner what we sow. What liberty-loving Anglo-Saxon would have it otherwise? So it is that in George Washington we honour the principles he vindicated against ourselves, and are proud to salute in him a true child of our Puritan patriots. England may say of him, as Simon de Montfort said of Edward I. his conqueror, "It was from me he learned it."

There is, finally, a phase of warfare which the limitations of space have forbidden our mentioning in this chapter, and which, for our own age, has largely taken the place of those struggles for the elementary rights of civil and religious freedom with which we have here been mainly concerned. "Economic warfare" has not always produced bloodshed; but, none the less, it has entailed sufferings not incomparable with those of the

battle-field. Here also a machinery of pacification has had to be created, to assuage the evils of the new conditions. The story of this new campaign for peace we must leave for separate treatment elsewhere.

CHAPTER VII

A SHORT HISTORY OF ANGLO-AMERICAN RELATIONS

THAT it should have been left for an American citizen, of British extraction, to build at The Hague the shrine of international justice and concord is a fact not without significance. Peopled by two of the most vigorous and self-confident nations of the earth; unrivalled in their industrial skill and commercial prosperity; tenacious of their rights, jealous of their honour, and strenuous in the defence of both—it is to England and the United States that the cause of peace owes its chief advancement, and in their character that resides its surest hope. No country, ancient or modern, has ruled the destinies of so many, or such variety, of the earth's peoples, as the British Empire—or ruled them, on the whole, so well. No country has ever displayed such a peaceful commingling of racial types in a free and united commonwealth as the United States of America. Sturdy fighters both—none have so frequently taken their quarrels before an impartial Tribunal of Arbitration.¹

¹ Cf. Senator La Fontaine's "Histoire Sommaire des Arbitrages Internationaux" (1794-1900), p. 5—"les deux États de langue anglaise, qui ont donné au monde le magnifique exemple de cent vingt-six recours à l'arbitrage."

It is true that the soil of both countries has been soaked with blood, and that there are powerful factions in both whose trust is still in rifles and warships. None the less is it to Great Britain and America that the friends of peace look with hope and confidence. For in both the spirit of democracy has awakened—an enlightened democracy, which is learning that militarism is one of the greatest of the evils that afflict mankind. In both, a profound love of justice and a genuine humanitarian passion survives the taints of blood and the temptations of wealth and power. The best minds both of England and America are increasingly pre-occupied with the task of organising the world's life on the basis of mutual help and forbearance, and substituting the rule of law for the misrule of war. In both countries the familiar doctrines of physical force are on their defence, and, though still powerful, are no longer entirely in the ascendant. In the inspiring crusade against war it is of good presage for the world that America and England lead the way.

The modern English nation owes its origin to a racial fusion; and this is, of course, true of other leading nations of the world. The
 But in England, this mixture of American
 races took place at an early stage synthesis
 of development. In America it happened in the nineteenth century, and on an unprecedented scale. On the banks of the Hudson and Mississippi are mingled in a common citizenship racial types each element of which is large enough to furnish out a European State of medium size. According

to the census of 1900 the population of the United States amounted to 76,000,000, of whom 9,000,000 were coloured. Of the 67,000,000 whites, 10,000,000 were of foreign birth, and 16,000,000 more of foreign parentage. There were 7,800,000 American citizens of German origin alone—nearly twice the population of Elizabethan England, and several times that of modern Berlin. This racial synthesis in the New World is destined to put an end to the racial antagonisms of the Old, by promoting a larger and more generous human co-operation. The “United States of Europe” is, as yet, but the phrase of a few dreamers. But the dream that has come true across the Atlantic is destined to find some kind of realisation in the older world; and it serves, meanwhile, as a rebuke to the antagonisms which have come down to us from an earlier and more unhappy time.¹

It must be left to an American pen to tell the story of the progress of American civilisation towards an ordered peace. It will be a record, like that of other nations, stained by many a bloody episode. Her Independence cost her a war against

¹ A few facts and figures relating to the United States may, with advantage, be appended here.

In area the United States (including Alaska) covers 3,595,500 square miles; and is thus but little smaller than the whole of Europe (3,800,000).

The Union, which in 1790 comprised 13 States, in January 1912 included 47 States and several Territories.

Louisiana was bought from France in 1803 and entered the Union in 1812. Florida was ceded by Spain, and was admitted to the Union in 1845. There are more than a score of States in the Union larger in area than England and Wales. Texas is larger than either Germany or France; California, Montana, and New Mexico all exceed in area the United Kingdom. The State of New York is scarcely smaller (49,170 square miles) than England (50,823 square miles).

her motherland. Her freeing of the slaves cost her a Civil War of Napoleonic dimensions and unprecedented suffering. The treatment of negroes in the South is still a blot on her escutcheon. But the spectacle of this mighty commonwealth, working easily into the mosaic of her national life these millions of discordant alien elements; of these great States, spread over vast distances, obeying the one law, exchanging without let the peaceful products of their industry, with unarmed frontiers, and enjoying the liberties of an equal citizenship; this spectacle affords an inspiring example of the emergence of humanity out of an old into a new and better order of relations. To-day the friendship of Great Britain and the United States has been unbroken by armed conflict for a century. Their friendship and common action is the best pledge of the world's peace. In these pages we shall endeavour to trace in outline their mutual relations—a story full of interest and instruction.

From the beginning of the sixteenth century the New World exercised an ever-growing influence over the affairs of the Old. One by one it drew the maritime nations of Europe across the Atlantic. It fed them with plunder and power, which was all, at first, that they sought there. Then it set them quarrelling over the gigantic spoil, and struggles ensued which profoundly modified their destinies. At length it entered the arena itself, and asserted, not without dust and heat, its independent nationhood.

It is a dangerous illusion to regard the United States as simply a gigantic offshoot of the English stock. All European countries (not to speak of Orientals and negroes) have contributed their quota to this mighty ark of refuge ; and there are American cities almost as German as Hamburg or Berlin, whilst others are almost Spanish or Italian. It remains true, however, that Americans as a race make it their boast that they—

“ Speak the tongue
That Shakespeare spake ; the faith and morals hold
Which Milton held ”

and that English ideas of law, politics, and personal right have been the decisive formative ideas in the history of the nation.¹ The reasons for this are to be found in the history of the early settlement of the country.

The New World, opened out at the end of the fifteenth century by the discoveries of Columbus, Cabot, and Da Gama, led to the formation of a series of oversea empires by the maritime states of Europe. The New World, and the old kingdoms
There were once, as Sir John Seeley has reminded us, a Greater Spain, a Greater Portugal, a Greater France, and a Greater Holland across the Atlantic, as well as a Greater Britain. Spain and Portugal were the pioneers in the age of discovery. Britain

¹ Professor Barrett Wendell (in a chapter in the “Cambridge Modern History,” vol. vii., entitled “The American Intellect”) says : “It is hardly excessive to say that the Americans of 1775 were, in the main, as English in their traditions and their temper as they were in their language. It follows that, to this day, the nationality of America, for all its various foreign infusion, may be regarded as a variety of the English.”

was a laggard in the race, and beyond the voyages of Cabot did nothing until after the middle of the sixteenth century. In 1492 the Genoese Columbus discovered the West Indies for the Spanish Crown; and in a later voyage, in 1498, reached the north-east corner of South America. In 1500 a Portuguese mariner, Gaspar de Cortereal, emulating the feats of his countryman, Vasco da Gama three years earlier, followed in the tracks of John Cabot, reached the shores of Labrador, and discovered the entrance to Hudson Strait. At the same time another Portuguese, Pedro Alvarez Cabral, sighted the coast of Brazil. In 1513 a Spaniard, Vasco Nuñez, looked down from a height on the isthmus of Panama upon the Pacific Ocean. In the same year another Spaniard, Ponce de Leon, discovered Florida. In 1520 Magellan, a Portuguese in the service of Spain, was the first to sail through the strait which bears his name and to enter the Pacific. Between 1519 and 1521 took place the conquest of Mexico by Hernando Cortez. For another generation bands of armed Spaniards wandered across the territory afterwards known as the United States, drawn thither by wild tales of gold and precious stones. These hopes were, however, disappointed, and by 1562 the Spaniards had withdrawn from this region.

The star of Spain shone with a more brilliant lustre than that of any rival State in the sixteenth century, and she had it in her power to build up a great transatlantic empire which might have endured, to her lasting

Spain's
empire

glory. But slaveholding, gold lust, and bigotry are ill foundations for a lasting dominion. Moreover, Spain strove to achieve the mastery of the Old World as well as the New. Such ambition, joined with organic weakness, consummated her ruin as an imperial power. Portugal, in 1580, fell under a sixty years' subjection to Spain; and when she regained her independence, in 1640, others had entered the colonial field, and it was too late for her to recover her lost laurels. In 1588 Spain herself suffered a disastrous overthrow in the defeat of her Armada—an event which launched the maritime prowess of Great Britain, the power which was to achieve success where Spain had failed.

Long before this France had entered the contest for an empire in the West. In 1534, whilst England was in the throes of her struggle with the Pope, Jacques Cartier sailed through the Straits of Belle Isle into the Gulf of St Lawrence. Next year he returned and pierced farther, naming a hill up the river Mount Royal, around which was to grow up the city of Montreal. In 1564 a colony was settled by René de Laudonnière in the south-eastern portion of the present United States, and given the name of Fort Caroline, after the young French King, Charles IX. It was an ill-starred venture, for in 1565 the infant Huguenot colony was captured and destroyed by the Spaniards.

At this stage begins the active interest of Englishmen in the new western world. At first it took no higher form than that of slave-trading and

the hunt for gold. Emulating the exploits of his uncle, William Hawkins, twenty years earlier, John Hawkins, a Devon sea-dog, sailed in ^{English sea-}1562 to the coast of Guinea and pro- dogs
cured 300 negroes, whom he carried to St Domingo and sold to the Spaniards at a handsome profit. This exploit he repeated in 1564; but on a third voyage, in 1567, he lost three of his five vessels during a Spanish attack. One of his lieutenants in this enterprise was the future scourge of the Spaniards—Francis Drake. The succeeding voyages of Elizabethan seamen to the Spanish Main revealed that curious blend of piety and plunder which is one of the puzzling anomalies of the trade of war. Hawkins, the father of the transatlantic slave trade, held religious service twice a day on ship-board. Drake and Cavendish sacked Spanish cities and looted Spanish treasure galleons to the glory of God and of the Protestant faith, and the Virgin Queen herself took her share in the spoils won in times of peace, and (like her successors) knighted the buccaneers. Says Thorold Rogers, "Our early maritime heroes were all pirates." Sometimes, like Drake at Nombre de Dios in 1572, they escaped with their booty, with which they returned home to a grateful country. Sometimes, like John Oxenham in 1575, loaded with spoil they were overtaken by the infuriated Spaniards and met their death for piracy (not to speak of heresy) at Lima. There is no need to conceal the truth about these sea-dogs: they were a rough, unscrupulous crew—the doughtiest butchers and

raiders in an age embittered by religious strife and maddened by the lust of gold. Their betters at home had recently enriched themselves by the loot of the monasteries. It were hard measure if the cadets of the West Country houses and the rough seamen of Wapping or Plymouth were refused their share of the spoils of the golden (and Catholic) Spanish Main.

To effect a serious settlement in the New World required efforts more patient and complex than Gilbert and Raleigh were needed for irresponsible buccaneering raids; and the first English attempts in this direction were a lamentable failure. Sir Humphrey Gilbert, half-brother of Walter Raleigh, made three voyages to America, but ill-fortune attended him. In 1583 he effected a landing in Newfoundland; but storms prevented his reaching the mainland, and on his return homewards his vessel, the *Golden Hind*, foundered with all on board. Hakluyt and Longfellow have immortalised his "Heaven is as near By water as by land"; but if truth must be told, Gilbert possessed more of the qualities of the adventurer than of the colonist. His patent was transferred to Sir Walter Raleigh, whose schemes were more definite, but no more successful. In 1584 two of his exploring vessels landed in North Carolina. Next year seven ships were sent out under Sir Richard Grenville with 108 settlers. Quarrels with the natives led to their early return home. The reign of Queen Elizabeth ended without anything in the nature of successful British colonization having been effected, although the

name Virginia was given to part of the territory explored.

At the beginning of the seventeenth century, in the reign of our first Stuart king, James I., more serious efforts were made. The sea- ^{The first colonies} power of England had been established by the overthrow of the Spanish Armada in 1588, and the period of genuine English and French colonisation now begins. The French were first in the field, Henry IV. in 1603 granting a commission to the Sieur de Monts as Lieutenant-General of Acadia—a territory described in the patent as extending from Philadelphia to Halifax (Nova Scotia). In 1604 De Monts settled a French colony near the mouth of the St Croix River. Another Frenchman, Samuel de Champlain, sailed along the coast as far as Plymouth Harbour, which he called Port St Louis; in 1608 he founded the town of Quebec; in 1609 discovered Lake Champlain, and in 1615 Lake Huron. In 1627 Richelieu founded the Companies of New France and of the Isles of America. But the development of French Canada was slow, the French population only amounting to 2500 in 1663.

The English, meanwhile, were embarking upon more substantial and sustained experiments. In 1606 a royal charter was issued to the Virginia Company, granting rights of settlement (competing with the French claims) from the Cape Fear River to the Bay of Fundy (34th to 45th degree of north latitude). The Company was subdivided into the London Company and the Plymouth Company.

Their first landings being again unsuccessful, in 1609 and 1612 new charters were drawn out for the Virginia Company, and in 1611, under the rigid rule of Sir Thomas Dale, the Virginia settlers began to establish a solid foothold. A landed aristocracy developed out of the cultivation of the tobacco plantations—slave-gangs doing the manual work. A governor and two chambers ruled the colony for the Crown. Next to be settled were the New England Colonies, which were the offspring of Puritanism, and which brought with them from the old country that Congregationalism or Independency which led easily to the development of republican ideals. The Hampton Court Conference had proved to the Puritans that they had nothing to hope from James I. In 1620 the Pilgrim Fathers left their places of refuge in Holland, entered into an arrangement with the Merchant Adventurers of London, and finally bade farewell to English soil and sailed in the *Mayflower* for the New World, settling in the Port St Louis of Champlain, which six years before had been re-named Plymouth by the English captain, John Smith. Slowly and painfully, but surely, the settlers overcame the difficulties of this inhospitable coast, and drove their roots into the soil. In 1638 a representative assembly of their three towns was formed, nine years after a royal charter had been granted to the Governor and Company of Massachusetts Bay. Between 1629 and 1640, the period of the reign of "Thorough" in England under Strafford and Laud, the colonists were reinforced

by a great immigration of Puritans, including such notable figures as Henry Vane, Mrs Hutchinson, and Roger Williams; and the colonies of Massachusetts, Rhode Island, Connecticut, and New Haven were founded, forming in 1643, with Plymouth, a confederation managed by eight commissioners, in which Massachusetts held the ascendancy. In addition to the colonies of New England and Virginia, the colony of Maryland had been started by a grant to Lord Baltimore in 1632, and that of the Carolinas by grants to proprietors in 1633. Thus, before the death of King Charles and the establishment of the Commonwealth in England, a lodgment had been effected along the American coast from the Penobscot River (south of Acadia) to the Cape Fear River (north of French Florida), the Dutch claiming a solid block of territory for their New Netherlands Colony, between the Rivers Delaware and Connecticut (including the valley of the Hudson River, New Amsterdam, and Long Island), and the Swedes a smaller area round the estuary of the Delaware (which went to the Netherlands in 1655), whilst the remainder was settled by British colonists.

The first half of the seventeenth century saw the commercial and imperial greatness of Holland at its height. The Dutch had set up The New a flourishing East India Company, Netherlands and in 1621 they established a West India Company to link together their settlements on the Hudson River, and strove to encourage immigration by

large grants of land to "Patroons." Stuyvesant, Governor of New Amsterdam, conquered the Swedish settlement at the mouth of the Delaware and added their territory to the New Netherlands in 1656. The Dutch were now supreme along the seaboard of the Middle States. Between them and the Spaniards in Florida lay the English settlements. New England, another English Colony, separated them from the French in Acadia and Canada. At intervals between 1623 and 1674 a duel for maritime supremacy was waged between England and Holland, the anti-Dutch policy of Cromwell and the Commonwealth being continued under Charles II. In this contest the smaller State showed no lack of maritime capacity and bravery, as the exploits of Van Tromp and De Ruyter proved. But it was an unequal struggle. In Europe Charles II. made the shameful Treaty of Dover with France in 1670, by which the English king became the stipendiary of Louis XIV., and promised in return to assist Louis against Holland. Six years earlier, in 1664, the New Netherlands had been easily occupied by the English, and in 1674 they were finally ceded by Holland to the English Crown. New Amsterdam was re-named New York. Fort Orange was called Albany. This ended the attempt at Dutch dominion in North America. The Carolinas and Pennsylvania had been recently formed into new Colonies. At the end of Charles II.'s reign the whole coastline from Acadia to Florida was in English hands. There was a population of about two hundred thousand British settlers.

“Considered as a whole,” writes Sir John Seeley,¹ “and judged by the standard of the time, this American settlement begins now to be most imposing. Its distinction is that it has a population which is at once large and almost purely European.”

For a century after 1674 the main interest centres in two closely connected points : first, the relations of the British Government with the new Colonies ; and, second, the rivalry between England and France for mastery in the New World.

It has been seen that whilst James I. was giving charters to Virginia and New England, the French, farther north, were founding Acadia and Canada. Similarly, at the time when William Penn got his charter for Pennsylvania from Charles II., the Frenchman La Salle was discovering and opening out the great Mississippi territory of Louisiana, at the back of the English settlements. At this time it might almost have seemed that France had the better prospect of mastery in the New World. Louis XIV.'s empire was reaching the zenith of its power. Colbert was building up Greater France by a strong and vigorous policy. Between 1664 and 1674 the French population of Canada trebled. The French held the two great American waterways of the St Lawrence and the Mississippi. But Louis's European ambitions were too vast for him to spare the army of settlers needful to people these vast tracts. In 1713 the French Canadians numbered only 20,000 as against 158,000 British colonists

¹ “Expansion of England,” p. 127.

in New England, and 218,750 in the other English Colonies on the American coast.¹ "At the height of their development under the French, Upper and Lower Louisiana together numbered only 7000 inhabitants, not counting troops; and this population covered a range of 5000 leagues."² The French Colonies enjoyed the rights neither of self-government nor self-taxation. In spite of the many excellent features of her colonial rule, and the brilliant qualities of some of her soldiers, governors, and missionaries, France did not contribute enough of her children to hold the vast provinces over which her ambition ranged, and the *ancien régime* knew too little of liberty to value its powers in empire-building. To the French colonies the Huguenot exiles from France were refused admission. In the British Colonies the Puritan exiles made their homes and gave sap and fibre to the commonwealth. Thus it was that, in spite of certain advantages of position and precedence gained by the French, the more solid qualities of the English settlements decided in Great Britain's favour her duel with France for supremacy in the New World.

The Treaty of Utrecht, signed in 1713, marked the first stage of England's victory over her rival. By it the French province of Acadia, or Nova Scotia as the British called it, was definitely ceded to the English Crown, and the right of the latter to the territory surrounding Hudson Bay's was

¹ "Cambridge Modern History," vol. vii., "The United States," p. 90.

² *Ibid.* p. 93.

acknowledged, as well as the possession of Newfoundland. In addition the Assiento, or grant of the slave trade with America, was withdrawn by Spain from France and given to England. Such was the result in America of the War of the Spanish Succession. The victories of Marlborough in the Low Countries reaped their main reward in the depression of French power across the Atlantic.

The struggle was by no means abandoned, however, by the French, who endeavoured to link together their possessions in Canada ^{England} and Louisiana by a chain of forts, ^{supreme in} ^{N. America,} thus cutting off the English Colonies ¹⁷⁶³ from the interior. In 1755 the French settlers in Acadia, to the number of 8000, were evicted from their homes, and Nova Scotia became British in blood as well as in allegiance. In May 1756, the war was formally renewed. Montcalm took command of the French forces in Canada, and Fort William Henry fell to the French arms. William Pitt was now in power in England, and he saw clearly that the quarrel between France and England must be settled on American soil. He induced the Colonies to raise a force of 20,000 men, and appointed Wolfe to the command of the army which was to attack Quebec. In 1759 the fate of Quebec was sealed by Wolfe's victory on the Heights of Abraham. The capitulation of Montreal soon followed. By the Peace of Paris, which closed the war in 1763, the whole of the French possessions in America, with the exception of the small colony of Louisiana on the Gulf of

Mexico, passed to the English Crown. Spain ceded Florida to England, and acquired Louisiana beyond the Mississippi from France.¹ The great duel had been decided in England's favour. Canada had become a British possession; the power of the British Colonies to consolidate was now unchecked. The culminating point of the first British Empire had been reached. How this empire came to be dismembered, and the avenging part that the arms of France played in the struggle, has now to be narrated.

In breaking the power of France on the American continent England removed one of the two great Alienation of
the Colonies obstacles to independent American nationhood. The blindness of George III. and his ministers² provided the occasion for the removal of the second—the British supremacy itself. Thirteen years after the Treaty of Paris the Declaration of Independence was signed by the delegates in Congress of the United States of America. At the accession of George III. in 1760 the population of the American Colonies amounted to almost one and a half millions—a quarter of that of the mother country. They were fast growing

¹ Louisiana was returned to France by Spain in 1800, but sold by Napoleon to the United States in 1803—the famous "Louisiana Purchase."

² John Fiske, in "The American Revolution," vol. i. pp. 37, 38 (ed. 1891, London: Macmillan & Co.), writes: "American tradition rightly lays the chief blame for the troubles which brought on the Revolutionary War to George III., but, in fairness, it is well to remember that he did not suggest Townshend's measures, though he zealously adopted and cherished them when once propounded. The blame for wantonly throwing the apple of discord belongs to Townshend more than to anyone else."

rich and prosperous, and though no thought of separation had as yet been uttered, they were ill-disposed to suffer from the corrupt and blundering ministries of King George the kind of vexations which had caused their forefathers to rise against Charles I. The revolt of the American Colonies shattered the illusion that governments, however maladroit, must always be the objects of sentimental gratitude on the part of their subjects. There was no electric cable or steam-power in the eighteenth century to cancel the vast distances that separated the Colonies from Westminster and make easier a mutual understanding between the two peoples. Distance promoted a certain ignorant contempt on the one side, which was met by a self-assertive intolerance on the other. It also abridged the English military power and multiplied the strength of the Colonies for resistance. Chatham, the only figure in English politics who might have kindled American loyalty, was sinking into his grave. The policy of the Stamp Act met with his severest condemnation, and he did not hesitate to justify the resistance of the Colonists.

The Home Government made the mistake of giving to its American Colonies too little liberty to breed affectionate trust and gratitude, and too much to produce docile subjection. In its views of empire it halted between two opinions. What an able writer of our time¹ has called "the mirage of the map" deceived the English governing classes as to the realities of things in the world of economic

¹ Mr Norman Angell.

relations and governmental systems. Like certain imperialists of our own day, they were obsessed with the idea that a colony was a possession—a property to be exploited. This was the old colonial system, a baneful creed borrowed from the example of Spain. But the charters and constitutions which had been granted to the Colonies, and the sturdy independence of the stock by which they were peopled, conflicted with this conception. Sir John Seeley expressed the opinion¹ that there was a real interchange of services between England and the American Colonies; that in return for the trade privileges which she claimed for herself, England had given the protection of her arms and had destroyed the menacing power of France on the western continent. He acknowledges, however, that the prevailing British view of the Colonies was the wrong one. The misfortune of the old English colonial system was, he says, “not that it interfered too much, but that such interference as it admitted was of an invidious kind. It claimed very little, but what it did claim was unjust. It gave unbounded liberty save in one department, namely trade, and in that department it interfered to fine the Colonists for the benefit of the home traders.” It may be said, indeed, that the idea of trade restriction and monopoly, which precipitated a crisis at the time of the Union with Scotland in 1706, and which ruined the industrial development of Ireland, was a decisive factor in losing us our American Colonies.

¹ “Expansion of England,” p. 65.

From the beginning of the eighteenth century there had been a succession of niggling disputes on finance between the home and American colonial legislatures, now relating to Independence the salary of a British governor, again to British restraints on colonial industry and commerce, and again to the right of the Colonies to tax themselves. Grenville's Stamp Act of March 1765, and Townshend's tea duties of 1767, brought the smouldering discontent of the Colonials to a flame. The military forces of the Crown came into conflict with the rioters in Boston. In 1770 Lord North became Prime Minister. In 1773 took place the Boston Tea Riot. In 1774 the First Continental Congress assembled in America, and the military preparations of the British Government were met by a determination to offer resistance. In March 1775, Patrick Henry urged the Virginia Assembly to armed rebellion, and in almost every Colony British authority was challenged. By the time the Second Continental Congress had assembled at Philadelphia in 1775, blood had been shed at Lexington, and the force of argument had to yield to the argument of force. Lord North's too tardy proposals of conciliation were rejected; Congress set about raising a continental army; and George Washington was chosen Commander-in-Chief. At Bunker's Hill, in June 1775, a stubborn resistance was offered to the English under Gage. Virginia took up arms, and the southern Colonies soon rallied in support. The publication of Thomas Paine's "Common Sense" pamphlet gave definiteness to

the aspirations of the Colonials. The Third Congress met at Philadelphia in May 1776, and on July 4th the Congress passed the fateful resolution which made the Colonies separate from the mother-country, and issued the Declaration of Independence. A year before, Washington had "abhorred the idea of independence," but now matters had passed beyond the range of argument and appeal, and he was convinced that "nothing else will save us." As if to throw away the last shred of Colonial loyalty, the Home Government employed Hessian mercenaries to aid in suppressing the revolt. We need not detail the events of the succeeding campaigns, which have been narrated with brilliance and freedom from prejudice in the pages of Sir George Trevelyan.¹ In 1778 a decisive turn was given to the struggle by the alliance, secured by the diplomacy of Franklin, of the Americans with France.² On October 19th 1781, Cornwallis surrendered Yorktown to the arms of the allies. On September 3rd 1783, the Treaty of Paris was signed, and the independence of the United States was acknowledged.

So ended England's first great experiment in colonial expansion. Some feeling of bitterness and chagrin is not, perhaps, unnatural in recalling the loss of this great dominion, and the severance of the old

¹ "The American Revolution," Longmans & Co.

² As Lecky points out ("England in the Eighteenth Century," vol. iv. p. 43), France had helped the revolting Colonists from the first. "The assistance of France was never more valuable than in the first period of the war." France was then nominally at peace with England. The formal Franco-American alliance came later.

national ties. Such a feeling, however, will be modified by calm reflection upon the relative sizes of the two countries, and the inevitable alteration which time was to bring in the balance of their populations and national resources. The United States were too vast and fruitful a domain to remain, for long, a mere possession of the British Crown. To-day they outnumber the population of the United Kingdom by two to one. Where would the centre of gravity of British rule have been had America remained within the British dominions? Westminster could never have hoped to rule such a monstrous progeny from a distance of several thousand miles. The reflection that the maintenance of British sovereignty over the United States might, and probably would, have meant the removal of the seat of government across the Atlantic and the progressive diminution of the lustre of London as the seat of empire may perhaps reconcile our imperialists to an apparent loss, which has, in reality, been a very real gain and enfranchisement. The last state of England would have been worse than the first, if, instead of the dog wagging the tail, the tail had begun to wag the dog.

Nor will the event be lamented by the historian of civilisation. There is an empire of race, culture, and character more pervasive and imperishable than that covered by the flag. Shakespeare and Milton, Cromwell and Bunyan and Locke did not cease to exercise their sway over the lives of American citizens after the Declaration of Independence. The English Bible, the English tradition of personal

rights and of civil and religious liberty, were deeply rooted in American soil. The Anglo-Saxon tongue was destined to dominate almost all the North American continent. Whatever floods of emigration might descend on these broad domains from the uttermost parts of the earth, they would be permeated by the perennial spring of original British influence. Is not this empire enough, even for the greediest loyalists of race? Years have softened the bitterness of the old estrangement, and of the separation of flags and government; and larger loyalties are drawing British and American people into a larger and more abiding unity. "We are not to suppose," writes Seeley, with justice, "that the Colonies rebelled against English rule simply as such. The Government against which they rebelled was that of George III. in his first twenty years; now that period stands marked in our domestic annals too for the narrow-mindedness and perverseness of Government.¹ Mansfield on the one

¹ Cf. Fiske, "The American Revolution," vol. i. pp. 43, 44: "This political attitude of George III. toward the Whigs in general, and toward Pitt in particular, explains the fierce obstinacy with which he took up and carried on Townshend's quarrel with the American Colonies. For if the American position, that there should be no taxation without representation, were once to be granted, then it would straightway become necessary to admit the principles of Parliamentary reform. The same principle that applied to such commonwealths as Massachusetts and Virginia would be forthwith applied to such towns as Birmingham and Leeds. The system of rotten boroughs would be swept away; the chief engine of kingly corruption would thus be destroyed; a reformed House of Commons, with the people at its back would curb for ever the pretensions of the Crown; and the detested Lord Chatham would become the real ruler of a renovated England, in which George III. would be a personage of very little political importance."

side of politics and Grenville on the other had just at that time given an interpretation of our liberties which deprived them of all reality. It was this new-fangled system, not the ordinary system of English government, which excited discontent everywhere alike, which provoked the Wilkes agitation in England at the same time as the colonial agitation beyond the Atlantic.”¹ Just as the Great Rebellion had branded on the memory of Englishmen the necessary conditions of domestic pacification, so did the revolt of the American Colonies teach them that the secret of successful empire was to be found in the gift of unfettered freedom and self-government. The free daughter-States of Canada, Australasia, and South Africa prove that the lesson has not been lost.

Then, also, the separation of governments must be regarded from the point of view of the people chiefly concerned, *i.e.* the American Colonial people. The great majority of English grievances people had no representation in Parliament at the

¹ Sir George Trevelyan, in “The American Revolution,” Part III. pp. 423-4 etc., writes to similar purpose: “The top-heavy edifice of personal government—which George the Third, through the instrumentality of Bute, and Grafton, and North, had built up from the foundation—was a familiar, and not a lovely phenomenon to educated men in every capital of Europe. Second-rate, and third-rate, place-holders now trifled with the welfare and honour of the country; while their betters were inexorably excluded from office because they were unacceptable to the king.” “For some years before the American Revolution broke out, the influence of England abroad had been sapped and weakened by the growing deterioration of her internal politics. And now, after a decade marked by maladministration and popular discontent at home, the new methods of government had produced their appropriate fruit in the alienation of our Colonies.”

time. For whatever faults of administration and temper the Government was guilty, no responsibility can justly be attached to the nation itself. It was the king and the ruling oligarchy of merchants and magnates who dictated the policy of Great Britain. The people at large were neither better nor worse off than before, as the result of the change of flags. In America the case was different. Judged in the light of subsequent developments, it is clear that the Colonies in 1776 had outgrown their swaddling clothes, and were determined—to use a phrase of Tom Paine’s—“to breech themselves in manhood.” The actual causes of dispute, argued on either side with a wealth of legal subtlety by Otis, Hamilton, Dulaney, and Adams, or by Seabury, Galloway, and the rest, are of little more than antiquarian interest compared with this outstanding fact. The complaints of the Colonists against the Government of Great Britain have been summarised by an American historian ¹ under three heads:—

(a) *Abuse of Authority*, e.g. by the use of general “writs of assistance,” by the prohibition of assemblies, by refusing assent to colonial legislation, by undue restrictions upon trade, etc.

(b) *Discriminating Legislation*, e.g. the extension of Admiralty jurisdiction in America, the refusal of local juries in treason trials, etc.

(c) *Interference in Colonial Affairs* under claim of universal authority “in all cases whatsoever.”

The meaning of these grievances is plainly to

¹ Prof. Melville M. Bigelow, of Boston University. See “Cambridge Modern History,” vol. vii. chap. vi.

be discerned beneath the niceties of the discussions as to "legal right." The age of petticoat government was over. By 1776 the population of the Colonies had grown to the large figure of 2,500,000. Trade and commerce had thriven. The Colonists rightly regarded themselves as entitled to freedom from vexatious restrictions and external interference in the political and economic development of their country. Had a wiser king than George III. and wiser counsellors than his favourite ministers had the handling of the situation,¹ the transition to self-government might have been peacefully effected, and it is just possible that the nominal thread of British sovereignty might have been maintained. But it is useless to give the reins to such speculations. "What," asks Paine, in his "Rights of Man," "is a government more than the management of the affairs of a Nation? It is not, and from its nature cannot be, the property of any particular man or family, but of the whole community, at whose expense it is supported; and though by force and contrivance it has been usurped into an inheritance, the usurpation cannot alter the right of things. Sovereignty, as a matter of right, appertains to the Nation only, and not to any individual, and a Nation has at all times an inherent, indefeasible right to abolish any form of Government

¹ Sir George Trevelyan, in his recent work on Fox, writes: "King George has met his deserts from the hands of posterity. . . It is impossible to doubt that the American difficulty would have been more prudently and rationally handled, from first to last, if the throne of Britain had been occupied not by George the Third, but by a monarch endowed with the solid judgment, the calm temper, and the watchful and enlightened public spirit of his grandfather or his great-grandson."

it finds inconvenient, and to establish such as accords with its interest, disposition, and happiness." The vast extent of territory that lay open to the industry and activity of American citizens needed a responsible native government for its proper development. Great Britain had enough on her shoulders, in India, in Canada, in Ireland, for all the political capacity she could muster. From the point of view of international, as well as national pacification, it was well that a new Government, on more democratic lines, should take charge of the destinies of the United States, and throw its progressive influence into the councils of the older nations. The serene majesty of George Washington's character made him a fitting emblem of the high hopes and aspirations of the new nation. The gratitude of Americans to the mother-land, the pride of Englishmen in the wonderful free commonwealth sprung from their loins—these sentiments form a tie of sympathy which time cannot efface, nor the breadth of the ocean diminish, nor the remembrance of evil days tinge with bitterness.

The second period of Anglo-American relations extends from the conclusion of the War of Independence by the Treaty of Paris, 1783,¹ to the signing of the Treaty of Ghent, 1814, on Christmas Eve, 1814. To restore harmony between estranged kindred nations is always,

¹ England and the United States signed a provisional treaty on November 30th, 1782, but the formal treaty was not concluded until September 3rd, 1783, by which time negotiations with France and Spain had been finished.

as Professor Goldwin Smith has remarked,¹ a difficult task. The very tie of relationship seems to import an additional element of resentment. Nor was the condition of the world in the closing decades of the eighteenth century such as to make easier the work of reconciliation. The perpetual wars of the old regime had brought France to the brink of revolution. Into the tempest of strife which was now to rage, almost without cessation, until the day of Waterloo, America was drawn, alike by her sympathies and antipathies. Both by disputes arising out of the abrogation of English sovereignty, and through friction created by the great European war of which England and France were the opposing protagonists, the United States was brought into fresh conflict with Great Britain, and an unhappy war resulted—the last contest in arms between the British and American peoples.

The Articles of Confederation adopted by the American Congress in 1777, and ratified by the Thirteen States in 1781, were far from providing the United States with a stable Government. They did, indeed, secure some sort of national union, but the executive powers of the new Government were of the feeblest, and an American historian describes the scheme as “hopeless” and “contemptible.”² Disputes with Great Britain at once arose, owing to the inability of Congress to enforce upon the States the undertakings of the treaty

¹ “The United States: An Outline of Political History,” Macmillan, 1893.

² Channing, “Students’ History of the United States,” p. 240.

of 1783. Loyalists were driven from the country ; they were unable to recover debts owing to them ; the Confiscation Acts were not repealed. The English Government, in retaliation, declined to hand over the eight frontier posts in their hands between Lakes Michigan and Champlain, which thus for thirteen years remained under the British flag, causing the loss of the profitable fur-trade to the American merchants.

Financial difficulties brought the confederation almost to bankruptcy, and the refusal of the States
The New Constitution to allow it the power to regulate trade with foreign countries sealed its doom. The English Government (contrary to the advice of the younger Pitt) was pursuing against its late Colonies its customary selfish policy of trade hostility. In July 1783, it closed the ports of the West Indies to American ships, and imposed prohibitive duties on goods brought to English ports in American vessels. American trade suffered enormous losses by these measures. In 1784 the value of goods imported amounted to £1,700,000, whilst a bare £700,000 worth was exported to Great Britain. The consequence was a drain of specie from the country, the creation of a fresh paper currency, loss of credit, and commercial distress. A 'urning-point was reached by the meeting of the Federal Convention at Philadelphia in May 1787, the result of whose labours was the production of the new Constitution of the United States, that great fundamental law which at length gave the new nation a stable Government, and launched it on its career.

The year 1789, which saw the inauguration of Washington as first President of the United States, saw also the outbreak of the French Revolution.

The uprising of the French democracy was hailed with joy by the citizens of the United States, the fervour of fresh republican enthusiasm The French Revolution being joined with a grateful recollection of the debt due to France for her assistance in winning American freedom. A treaty of alliance, indeed, still united the two countries, and Washington (whose second Presidential term had begun in 1793) was confronted with a difficult problem when, on February 1st, 1793, the French Republic declared war against Great Britain. The first minister plenipotentiary from the French to the American Republic, the Citizen Genet, landed in the United States on April 8th, and at once began the equipment of privateers, manned by American seamen, for the purpose of preying upon British commerce. Genet treated American territory as though it were French soil, and was everywhere fêted by the partisans of the Revolution. The steady wisdom of Washington and his cabinet enabled them to see the danger in which they were about to be involved, and to act with firmness and decision. They declared that the treaty with France was not applicable to an offensive war; and that it was politic for America to remain neutral. A Proclamation of Neutrality was therefore issued on April 22nd, 1793, and the recall of Genet was requested and granted.

The measures of the British Government made

it difficult, however, for America to remain aloof from the conflict. In March 1793, England declared the ports of the West Indies closed to neutral trade. France retaliated, in May, by forbidding neutral trade with British ports. In November a British Order in Council extended the embargo to any ports in France or the French Colonies. Whilst France seized American ships at anchor in her harbours, England seized hundreds of others returning from the French Antilles. The American traders were threatened with utter ruin, and their Government attempted hasty measures in return, such as a temporary embargo on British ships, the building of warships, and the erection of forts. England and the United States were very near to open war when Washington, determined to prevent a fresh conflict if possible, sent Chief-Justice John Jay to London with the offer of a treaty. The result was the conclusion, in November 1794, of a Treaty of amity and commerce (the so-called Jay's Treaty), by which the conflict was averted for the moment.

Jay's Treaty was very unpopular in the United States, and the reward of its author was to be burned in effigy. The treaty ignored the difficult questions of the right of search and the impressment of seamen from American vessels. It had, however, some great merits. It postponed for a number of years a second war with Great Britain, and secured immunity for American commerce throughout the

struggle between England and France which ended with the Treaty of Amiens in 1802. During these years American trade with the Spanish and French West Indies flourished greatly. The Treaty is also notable as having made the first use in modern times of the now familiar principle of Arbitration. By Article 5, a Commission of three, on 25th October 1798, fixed the St Croix River as the boundary between the United States and Canada. By Article 6, a Commission of five met to deal with the question of debts due to British subjects before the war of independence. No award was made by the Commission itself; but in 1802 the question was settled by agreement, the United States paying a sum of £600,000. A third arbitration was entrusted, by Article 7 of Jay's Treaty, to a Commission of five, viz. the mutual claims for seizure of vessels during the war between France and the European powers. Awards were made in satisfaction of those claims in 1804. This was a memorable use of a new instrument of international appeasement, for which grateful acknowledgement is due to the initiative of Washington and Jay, and to the wisdom, on both sides, which carried the Treaty through. The treaty was almost the last act of Washington's presidency. In September 1796 the great patriot declined a third term of office, and retiring to Mount Vernon, warned his fellow-countrymen, in his farewell address (1797) "to steer clear of permanent alliances with any portion of the foreign world. Harmony and a liberal intercourse with all nations are recommended," he urged, "by

policy, humanity, and interest." Wise and pregnant words!—worthy of him who was "first in peace" as well as in war, and who may be commemorated, with justice, as one of the great figures in the history of civilisation. A similar policy of appeasement was pursued by Washington's successor, John Adams, towards France, with whom a treaty of peace was effected in 1800, setting aside all outstanding claims and liabilities. The Americans reaped their reward in 1803, when the memorable Louisiana Purchase was completed by them with Napoleon for a sum of fifteen million dollars.

The speedy renewal of the struggle between England and Napoleon revived the former subjects of quarrel between the two Anglo-Saxon nations early in the new century. Great Britain and the French Empire, each equally unable to deal a decisive blow against her adversary, sought to bring him to terms by making war upon his commerce. In 1805 Pitt determined to reinforce the "rule of war of 1756," as it was called, which forbade a neutral enjoying in time of war a trade forbidden to it in time of peace. The result of this action was to put an end to the American trade with the West Indies. Wholesale seizures of American vessels were made by English warships, and a state of war was practically begun.

There followed a renewal of the situation of 1793. The issue by Napoleon, on the 21st of November 1806, of his Berlin Decree, followed by the Milan Decree on the 17th of December 1807, was countered by the British orders in

The "right
of search"

Council of January and November 1807. Between the upper and nether millstones of these tyrannical edicts neutral commerce found itself crushed, and the Americans traders were at once thrown into a state of distress. Their anger was deepened by the inconsiderate use of the "right of search" by the captains of British cruisers, who showed no scruple in stopping American vessels, and impressing therefrom seamen whose naturalization papers they chose to declare invalid. "There was undoubtedly," says a recent American historian,¹ "some justification for the view British officers held as to naturalization; for in some States it was only necessary for a deserter from an English ship to appear before the official in charge of the matter to receive naturalisation papers. Under these circumstances whole crews deserted, and many vessels were detained in port in consequence." The same writer, however, adds, "The real cause of these desertions was to be found in the hardships of the British naval service—the lack of good food and quarters, the harshness of the discipline, and the inadequateness of the compensation." A British writer, Professor Goldwin Smith, speaks more decisively to the same effect. "Here," he says,² "Great Britain was clearly in the wrong. She ought to have kept her seamen by increasing their pay and putting an end to the grievances which produced the mutiny of the *Nore*."

It was a lamentable mischance that false theories about trade and false claims of belligerent rights

¹ Channing, p. 346-7.

² "The United States," p. 162.

should have precipitated this fresh conflict between England and America. The war of 1812 remains to Drifting into both an odious memory. Two countries war linked by blood and common memories should have been found side by side in the battle against Napoleonism and for human liberty, instead of which, at the crisis of this struggle, these false issues of a wrong-headed policy drove them apart.

The outrage by the British warship *Leopard* upon the American frigate *Chesapeake*, on 27th June 1807, brought the desertion and impressment controversy to a head. President Jefferson ordered all British warships to leave American waters. In December 1807 Congress passed an Embargo Act, putting a stop for the time to all trade with foreign countries. This policy proved far more injurious to the Americans themselves than to the European belligerents, bringing ruin upon the Virginia planters who were unable to dispose of their goods. In March 1809 the Embargo Act had to be repealed, in face of the popular clamour. In its stead a Non-Intercourse Act was passed in 1809, permitting commerce with all countries save those controlled by England and France. This relieved the plight of American shipowners, and allowed them to revive a profitable trade. It seemed as though, in 1809, the quarrel between England and America might have been averted; but the British government refused its assent to the proposed Erskine Treaty, and the situation drifted steadily towards war.

"Few things," says Goldwin Smith,¹ "are more

¹ "The United States," p. 166.

repulsive or less profitable than the study of the diplomatic embroilment in which the government of the United States was for years involved with those of England and France, and which issued in a disastrous war. It is scarcely disputed by American historians that the injuries received by American commerce at the hands of France were fully as great as those received at the hands of England. Napoleon had confiscated American shipping and goods to an immense amount, and coolly reckoned on the fruits of his violence as revenue. He seized 150 ships in one year alone. His Rambouillet decree was a barefaced proclamation of rapine to which effect was at once given by a sweeping confiscation of American vessels. Not only was his will his sole law, but he pretended submission to no other, whereas England at all events recognised international law, and held herself ready to atone for a breach of it. But England was hated. France was not." This overstates the case in favour of England, whose high-handed naval policy was well calculated to goad a proud nation into war. America, however, cannot be acquitted of a share of blame for the war which she proclaimed against England on the 19th of June 1812. England was sore pressed in her struggle with Napoleon; to aim a flank attack against her at this crisis might well have resulted in endangering the liberties of Europe. Again, the inhabitants of New England were almost unanimously averse to the war with Great Britain. But their voice did not avail against the agitation of Henry Clay,

John C. Calhoun, and Daniel Webster, and the "war hawks" of the slave-owning South, which at this time dominated the policy of the Union. These even dreamed that, amidst England's pre-occupations on the battlefields of Europe, Canada might fall an easy prey to their arms. So this unhappy struggle commenced. To both combatants it proved barren alike of profit and honour.

It is unnecessary to record here the incidents of the War of 1812. The American attack on Canada failed, the English settlers presenting an heroic front, and the French Canadians remaining true to their English allegiance. At sea the Americans won a number of brilliant, single-handed victories, and inflicted heavy damage upon English commerce. On land they had a few small successes (balanced by others on the British and Canadian side), and a substantial victory at New Orleans. But they were unable to effect anything more decisive than this; and in return were compelled to suffer the indignity of the blockade of their coasts, the capture and destruction of their new capital (1814), and the ruin of their trade. The war cost them from thirty to forty millions for each year it was waged, whereas their total revenue never exceeded more than ten millions per year.¹ It was a futile struggle, ruinous to both sides alike. The failure of the fortunes of Napoleon compelled even the "war hawks" to think of peace, and negotiations were opened

¹ Channing, p. 358.

which culminated on Christmas Eve, 1814, in the signing of the famous Treaty of Ghent, at the old monastery of the Chartreuse, in the Belgian city, where the British delegates were lodged.

Wars are as frequently the result of blunders as of crimes. The only merit of that of 1812 was that it chastened both parties to the conflict. Misery and distress fell upon countless innocent victims, both in England and America. The American Bryant describes the struggle as "the war of a faction," and relates that, in America, "the enthusiasm and joy at the news of peace were absolutely hilarious among all classes of the people."¹ An English historian writes: "It is difficult to believe that this useless war might not have been avoided had the ministers been men of ability. It arose from the obstinate manner in which the Government clung to the execution of their retaliatory measures against France, regardless of the practical injury they were inflicting upon all neutrals."² In America the war brought the Union to the verge of dissolution. The Americans lost 30,000 men killed, and a like number incapacitated. Their national debt in 1816 had risen to 127,000,000 dollars. The actual cost of the war was not less than 200,000,000 dollars. "On the other side of the account," says Channing,³ "there was absolutely nothing material to show for this great

¹ "Popular History of the United States," vol. iv. pp. 186, 238.

² Bright's "History of England," vol. iii. p. 1325. The defence of English policy in the Cambridge Modern History, vol. vii. p. 335, by Mr H. W. Wilson, seems to represent a purely naval point of view.

³ P. 368.

expenditure of human life, this amount of human suffering, and this mass of treasure.”

The American delegates appointed to negotiate the Treaty of Ghent were John Quincy Adams, Treaty of Ghent 1814 American Minister to Russia ; Jonathan Russell, Minister to Sweden ; James A. Bayard, Senator ; Henry Clay, Member of Congress ; and Albert Gallatin, Financial Secretary. They arrived in Ghent (which was finally chosen as the place of negotiation because of its convenient situation, and also on account of the security obtained by the presence there, at the time, of an English garrison) on 29th July 1814, and were lodged at the Hotel d'Alcantara, at the corner of the Rue des Champs, a few yards from the mansion where Louis XVIII. was subsequently to stay during the Hundred Days. The British delegates were Admiral Lord Gambier, Henry Goulburn, and William Adams, and they had with them as secretary, Anthony John Baker. They arrived in Ghent on 6th August 1814, and the old Carthusian Convent was fitted up for their use as a lodging. It was five months before the Treaty was finally concluded and signed, and then rather under pressure of public opinion and external events than because the plenipotentiaries had come to any real agreement on the points in dispute.

The Treaty of Ghent provided for a mutual restoration of conquests, and for the appointment of Arbitral Commissions to settle questions of boundaries, etc. The important issues that led to the war were never even mentioned in the treaty,

for the question of impressment was dropped by the American Commissioners. Nevertheless this issue had ceased to be urgent ; for whilst the United States had revealed an unexpected genius for maritime warfare, the naval pride of England had suffered sufficient indignity to prevent any recurrence of the trouble. " It was a peace," says Goldwin Smith,¹ " which showed that there ought to have been no war." ²

The year following the Treaty of Ghent—the year of Waterloo—witnessed an event the importance of which was quite unrecognised at the time, and for a record of which we shall look in vain in the pages of the standard histories—the formation of the first society in the world for the promotion of peace. In August 1815 was organised the New York Peace Society, followed on the 2nd of December by the Ohio Peace Society, and on the 26th of December by the Massachusetts Society. On the 14th of June 1816 the Peace Society was formed in London—the first organisation of the kind on this side of the Atlantic. The Massachusetts Society, which in 1828 combined with similar organisations to form the American Peace Society, owed its origin to a suggestion of Dr Noah Worcester, and came to birth on the day after Christmas 1815, in the study of the famous Boston preacher, William Ellery Channing. Humble as the early Christian communities in their origin, these little groups of

¹ P. 172.

² The official correspondence relating to the impressment of American seamen is to be found in the State Papers for 1812-14, vol. i. and ii. p. 1375 *seq.* The Treaty is in vol. ii. of the State Papers for 1814-5, p. 357 *seq.*

reformers received as little notice from a world habituated to war as did the first century disciples from the paganism which environed them. To-day we are beginning to look back to them with grateful regard ; and it is safe to prophesy that their fame, compared with that of the war-makers, is destined steadily to increase in the estimate of history. In 1783, in a letter to Sir Joseph Banks, Benjamin Franklin uttered his memorable dictum, "*In my opinion, there never was a good war or a bad peace.*" Five years later, to M. Le Veillard, in France, he wrote the following, of which the truth is only now beginning dimly to be understood :—"When will princes learn arithmetic enough to calculate, if they want pieces of one another's territory, how much cheaper it would be to buy them than to make war for them, even though they were to give a hundred years' purchase ? But if glory cannot be valued, and therefore the wars for it cannot be subject to arithmetical calculation, so as to show their advantage or disadvantage, at least wars for trade, which have gain for their object, may be proper subjects for such computation ; and a trading nation, as well as a single trader ought to calculate the probabilities of profit and loss before engaging in any considerable adventure. This, however, nations seldom do, and we have had frequent instances of their spending more money in wars for acquiring or securing branches of commerce than a hundred years' profit or the full enjoyment of them can compensate." ¹

¹ Cf. Edwin D. Mead, "The Principles of the Founders," p. 32.

It was sentiments such as these, beginning to be not uncommon in the mouths of acute thinkers on both sides of the Atlantic, and the deep-seated feelings of horror and shame provoked by the long war that terminated in 1815, that gave birth to the Peace Movement, and rallied both in England and America a noble company of men and women devoted to the crusade against war, and resolved to strengthen by mutual effort the ties that connected their countries with each other. They have not toiled in vain. Since 1814 England and America have never fired a shot against each other in anger.

That this new peace-sentiment was not without practical fruit is shown by the conclusion, in 1817, of an agreement between England and the United States which has never yet received from historians the attention and applause merited by its novel and momentous contents.

The first disarmament treaty

On 16th November 1815 State-Secretary Monroe wrote to Mr Adams, the American Minister to England, in the following terms ¹ :—

“ The information you give of orders having been issued by the British government to increase its naval force on the lakes is confirmed by intelligence from that quarter of measures having been actually adopted for the purpose. *It is evident, if each party augments its force there with a view to obtaining the ascendancy over the other, that vast expense will be incurred and the danger of collision augmented in*

¹ Moore's “ Digest of International Law,” Washington, 1906, vol. I. p. 691.

like degree. The President is sincerely desirous to prevent an evil which it is presumed is equally to be deprecated by both Governments. He therefore authorises you to propose to the British Government such an arrangement respecting the naval force to be kept on the lakes by both Governments as will demonstrate their pacific policy and secure their peace. He is willing to confine it on each side to a certain moderate number of armed vessels, and the *smaller the number the more agreeable to him ; or to abstain altogether from an armed force beyond that used for the revenue.* You will bring this subject under the consideration of the British Government immediately after the receipt of this letter."

This remarkable document is not extracted from a twentieth century plea for disarmament, but from a State-paper written in the year of Waterloo by the future author of the Monroe doctrine. The passages which have been italicised are especially worthy of note by the student of ideas. The proposal was submitted by Mr Adams to Lord Castlereagh, who was, naturally, somewhat nonplussed, and inclined to suspect an American plot to place Great Britain at a disadvantage. Fortunately, wiser counsels prevailed, and he authorised Mr Bagot, the British minister at Washington, to conclude an arrangement. The negotiations which ensued resulted in an agreement effected, by an exchange of notes, dated 28th April and 29th April 1817, and signed respectively by Mr Bagot and Mr Rush (who had then succeeded Monroe as Secretary of

State). President Monroe obtained the "approval and consent" of the Senate on the 16th of April 1818, and on the 28th of the same month the agreement was formally proclaimed by the President.

By the Rush-Bagot agreement the naval force to be "maintained" by each Government on the Great Lakes was limited, on Lake Ontario, to one vessel not exceeding one hundred tons burden and armed with one 18-pound cannon; on the Upper Lakes, to two vessels of the same burden and armament; and on Lake Champlain to one similar vessel. All other armed vessels on the Lakes were to be forthwith dismantled, and "no others vessels of war" were to be "there built or armed." This stipulation was to remain in effect till six months after either party should have given notice to the other of a desire to terminate it.¹ In spite of temporary difficulties between 1838-41, and again during the American Civil War, which threatened to subvert this friendly arrangement, it has never been denounced, and to-day the disarmament of the Great Lakes and the American-Canadian frontier is still maintained, as it has been for almost a century.

The Rush-Bagot Treaty has been of incalculable value to both America and Canada, and it will be an evil day for both countries if ever this triumph of common-sense and neighbourly confidence should be endangered. The unarmed Canadian-American frontier of 3,800 miles stands as a rebuke to

The "Rush-Bagot Agreement," 1817

Disarmament of the Canadian Frontier

¹ Moore's "Digest of International Law," vol. i. p. 692.

the militarism of the Old World, and a challenge to the courage and faith of every nation. The protection of kinship, mutual respect, trade, and international treaty have made it the safest frontier of the Empire. An American ex-Secretary of State (the Hon. John W. Foster) has described the agreement as "an illustrious example of successful naval disarmament." Sir Wilfred Laurier, speaking as Prime Minister of the Dominion of Canada in the House of Commons at Ottawa, on March the 7th 1911, said:—"If my voice could be heard that far, I would presume to say to our American friends: There may be a spectacle, perhaps, nobler yet than that of a united continent, a spectacle that would astound the world by its novelty and grandeur—the spectacle of two peoples living in amity side by side for a distance of 4000 miles along a line which is hardly visible in many quarters, with no cannon, no guns frowning across it, with no fortresses on either side, with no armament one against another, but living in harmony and mutual confidence, and with no other rivalry than generous emulation in the arts of peace. To the Canadian people I would say that if it is possible for us to obtain such relations between these two young and growing nations, Canada will have rendered to Old England, the Mother of Nations, nay, to the whole British Empire, a service unequalled in its present effect and still more in its far-reaching consequences."

The century of peace between the two great Anglo-Saxon nations that has elapsed since the

signing of the Treaty of Ghent has not been free from vexatious and difficult controversies. Disputes as to fishery rights, and the position of the northern boundary of the States, at once arose ; but fortunately they were either compromised or postponed. The announcement of the famous " Monroe doctrine " in 1823, which was aimed against the threatened encroachments of the Holy Alliance, was on the other hand, hailed with as much delight in England as in America ; Brougham speaking of it as an event " than which no event has dispersed greater joy, exultation, and gratitude over all the freemen of Europe." In 1841 the dispute with regard to the boundary between the state of Maine and Canada produced an angry controversy, and almost led to an armed collision ; but in the following year it was amicably settled by the Webster-Ashburton Treaty, in which was also included an extradition clause, for which Webster claimed that it was " of more value to the progress of civilisation, the cause of humanity, and the good understanding between nations, than could be readily computed." Soon afterwards a similar controversy arose over the north-western, or Oregon boundary. In 1844 a bellicose outcry arose amongst many American politicians of " All Oregon or none," and " Fifty-four forty, or fight ! " Here again the situation yielded to more peaceful counsels, and in 1846 a middle line was agreed upon.

With the election of Abraham Lincoln to the Presidency in 1860, the controversy upon slavery

between North and South, which had long been maturing, came to a head. Before March 1861

North *v.* seven States had seceded from the Union.

South In April Lincoln issued a call for volunteers. For four years one of the most bloody wars in history raged on American soil—a war which cost the nation nearly a million lives, and not less than ten thousand million dollars in money.¹ It does not lie within our function to discuss here the ethics of the American Civil War. The Union was saved, and four millions of negroes were liberated from slavery at the cost which we have set out in bare figures above, but of which it is difficult to conceive the horror when translated into terms of human suffering and woe. Might not the problem have been solved without this human holocaust? ²

¹ Channing, p. 554. This, of course, was only the "direct" cost of the war to the Union. In other directions the loss was no less stupendous. The Secretary of the Chamber of Commerce of the State of New York, writing in January, 1912, quotes the following remarkable facts and figures. "Before the Civil War the United States had a splendid merchant marine engaged in the foreign trade. In 1860, the year before the outbreak of that conflict, 65·5 per cent. of our foreign commerce was carried in American vessels. In 1865, at the conclusion of the war, only 27·7 per cent. of our exports and imports were transported in ships carrying the American flag. Our merchant marine has never recovered from the deadly blow administered to it by that war. It has steadily declined ever since, and, in 1910, the proportion of our commerce carried in our own ships was only 8·8. Doubtless other causes contributed to this decline, but war was the overwhelming catastrophe." ("Finance and Commerce; their relation to International Goodwill. New York: The American Association for International Conciliation, 1912.)

² Professor F. L. Paxson, in his recent book "The American Civil War" (London, Williams & Norgate, 1912) writes: "It is reasonably clear to-day that the South would of herself have discarded slavery in another generation; that the New Nationalism would have come about without the Civil War."

Here we encounter a doubt that cannot now be resolved. This, at least, is certain: that noble and high-minded Americans affirmed the justice of the war, and that Lincoln entered upon it "with malice towards none, with charity for all, with firmness in the right, as God gives us to see the right." At least, this fratricidal strife was not waged for mere lust of territory, for mere lust of gain. Whatever verdict of condemnation may be passed upon the war, some share must be laid to the charge of the English who planted the seeds of slavery upon American soil, and of the monarchs and rulers and merchants and adventurers who profited by the vile traffic—leaving the American people, centuries afterwards, to atone for its wickedness with their blood.

It is not surprising that England became involved, in some measure, in the struggle between North and South, and that Anglo-American ^{British} relations suffered thereby. ^{Opinion in} ^{opinion} England was divided as to the merits of the struggle. The aristocracy on the whole favoured the South, as also did large sections of the middle class, forgetful that the former anti-English attitude of the Washington Government had been dictated by the Southern slave-owners. Other Englishmen thought that the South might be allowed quietly to secede, and resented the refusal of the North to this course, which (amongst other things) inflicted severe injury upon British trade and industry. It was curious that, of all the countries of Europe, only England and France leaned thus in sympathy towards the

South; and in France it was the government of the Emperor Napoleon, and not the French people who maintained this attitude. In England the governing classes were filled with enthusiasm by the early victories of the Southern arms. Their journals, narrates Goldwin Smith¹—along with Cobden and Bright an ardent supporter of the Federal cause—“poured the gall of insult into the American heart in the hour of peril and adversity, when feelings are most keen.” Palmerston and Russell found it difficult not to be truculent. Gladstone was at first unfriendly. But the mass of the working people, and indeed the mass of the English nation, so soon as the real issues of the war had become clear—gave their sympathy to the North. It is to the lasting honour of the Lancashire operatives that even the sufferings caused by the Cotton Famine, which resulted from the blockade of the Southern ports, did not make them partisans of the slave-owners. The English Government was compelled by public opinion to observe neutrality, to refuse to recognise the Confederacy or receive its ambassadors, and, at a time when European intervention might have been disastrous to the fortunes of the North, to refuse the overtures of the French Emperor, who was itching to re-establish a French foothold on American soil.²

¹ “The United States,” p. 257.

² Cf. Cobden's letter to Sumner, Feb. 13th, 1863: “You know how much alarmed I was from the first lest our Government should interfere in your affairs. The disposition of our ruling class, and the necessities of our cotton trade, pointed to some act of intervention, and the indifference of the great mass of our population to your struggle, the

There were dangerous moments, however, in the course of the struggle, during which a collision between England and America was with difficulty averted. In 1861 the United States warship *San Jacinto* stopped the British mail-steamer *Trent* and took out of her, on the high seas, two agents of the Confederacy. The British Government at once adopted a warlike attitude; but the danger was averted partly through the pacific influence of the dying Prince Consort, partly through the action of President Lincoln, who insisted that Americans should maintain the rights of neutrals, and ordered the envoys to be liberated. The incident ended, but it caused much bitterness between the English and American ruling classes.

Still more threatening was the dispute caused by the depredations of the *Alabama*, and other Confederate privateers, amongst the shipping of the Northern States.

object of which they did not foresee and understand, would have made intervention easy, and indeed popular, if you had been a weaker naval power. This state of feeling existed up to the announcement of the President's Emancipation Policy. From that moment our old anti-slavery feeling began to arouse itself, and it has been gathering strength ever since. The great rush of the public to all the public meetings called on the subject shows how wide and deep the sympathy for personal freedom still is in the breasts of our people. . . . I now write to assure you that any unfriendly act on the part of our Government—no matter which of our aristocratic parties is in power—toward your cause, is not to be apprehended. If an attempt were made by the Government in any way to commit us to the South, a spirit would be instantly aroused which would drive that Government from power." (Morley's "Life of Cobden," vol. ii. p. 406.) Mr Herbert Paul ("History of Modern England," ii. p. 352) pays a high tribute to Disraeli "for not pressing upon a divided Cabinet and a distracted House of Commons a policy of intervention which might for ever have alienated the two great branches of the English-speaking race."

The *Florida*, a vessel built on the Mersey, and afterwards converted into a cruiser, captured fifteen Federal vessels in three months. In spite of the warning given by the American Minister to the British Government, she easily got out of the Mersey, and there soon came to be reason for the American charge that Great Britain was serving as the naval base of the Confederacy. The most famous of the Confederate cruisers was the *Alabama*, another Mersey-built craft, which during her two years' career of destruction captured nearly seventy vessels of the North, and practically drove Federal commerce from the seas. The vessel had been openly built at Birkenhead for Confederate use ; her purpose was known to all, yet her detention was not effected. Bright's warnings and appeals in the House of Commons were disregarded by Lord Palmerston and the majority of his excited adherents. The protests of Mr Adams at length availed with Earl Russell, in 1863, to prevent the liberation of two ironclads which had also been built in English yards for the Southern fleet. But redress was at the moment refused for the mischief wrought by the *Alabama*, and the dispute was allowed to linger on, to the increasing danger of Anglo-American relations, for several years.

In 1869, four years after the close of the war, Reverdy Johnson, American Minister in London, had negotiated with the British Government a treaty in settlement of several outstanding boundary and fisheries disputes. The United States Senate refused, with

Treaty of
Washington,
1871

practical unanimity, to accept the treaty, and insisted, next year, upon including the "*Alabama* Claims" in the negotiations. It was on this basis, therefore, that the commissioners met, and concluded, in 1871, the Treaty of Washington. The commissioners on the side of Great Britain were the future Marquis of Ripon, Sir Stafford Northcote, Professor Montague Bernard, and Sir Edward Thornton. Sir John Macdonald represented Canada. The American commissioners were State-Secretary Hamilton Fish, General Schenck, Mr Bancroft Davis, Mr Justice Nelson, Mr Justice Wilson, and Mr E. R. Hoar.

The Treaty of Washington opened with a very handsome acknowledgment of error on the part of Great Britain, in the following terms: "Her Britannic Majesty has authorised her High Commissioners and Plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels." The treaty then proceeded to lay down three new and more stringent rules of neutrality, which were to be accepted by both signatories in the future. The *Alabama* claims were referred to an arbitral tribunal of five members, which was to meet at Geneva. Further arbitral commissions were appointed, to deal with individual claims on both sides, and to settle the outstanding fishery dispute. The North-west Boundary Question was

referred to the arbitrament of the German Emperor. There were some anxious days when the large demands of the American Government were made public; and it was only the elimination—on the wise and courageous initiative of Charles Francis Adams, the American arbitrator—of the “Indirect Claims” (which had shocked even good friends of the North like John Bright) that saved this momentous deed of pacification. By the Geneva Award (issued September 14th, 1872) the court held Great Britain guilty of negligence, and assessed the damages to be paid by her to the United States at fifteen and one-half million dollars. Such a sum would not have paid the cost of war for a single month. The credit for this great pacific settlement must be given, partly to the skill and persistence of the American secretaries, and equally to the loyalty and courage of the friends of peace in England, who stood staunchly by a decision little to the taste of the more thoughtless and violent elements of the population. Speaking in the House of Commons in 1880, Mr Gladstone referred to the Geneva Award in these noble words: “Although we may think the sentence was harsh in its extent and unjust in its basis, we regard the fine imposed on this country as dust in the balance compared with the moral value of the example set when these two great nations of England and America, which are among the most fiery and the most jealous in the world with regard to anything that touches national honour, went in peace and concord before a judicial tribunal to dispose of these painful

differences, rather than resort to the arbitrament of the sword.”¹

There will always be some to whom the judicial methods of the Arbitration Court are right if the verdict be in their favour, and wrong if the judgment go against them. It is the glory of Gladstone that he proved free from this ailment of prejudice, and made handsome amends for his errors of judgment during the early stages of the Civil War. To accept a hostile verdict with equanimity is not easy, but its achievement constitutes a victory which wins the respect of all, and is the surest cement of international friendship.

The *Alabama* Arbitration was, in fact, one of the great decisive battles of civilisation, revealing new moral forces at work in the affairs of nations. It was no mere technical difficulty that was dealt with, but a dispute which included questions widely regarded as touching “vital interests” and “honour.” So much the greater was the victory of good-feeling and good-sense over the stubborn pride of an antiquated and mistaken nationalism. “There is no more illustrious page in the annals of America or Great Britain,” writes an eminent United States Senator,² “than the record of the Geneva arbitration tribunal.” The same opinion has been recorded, in terms which leave nothing to be desired, by a recent English writer.³ “To have settled a quarrel which

¹ Wemyss Reid’s “Life of Gladstone,” p. 582.

² The Hon. John W. Foster, “War not Inevitable,” 1910, p. 12.

³ “History of Modern England,” by Herbert Paul, vol. iii. p. 294

was growing more bitter every year, and to have given the world an example of the way in which civilised nations should close their differences, were achievements not estimable in gold or silver. So far from England having tarnished her national honour, she had enhanced its lustre and renown." This, we have no doubt, will be the final judgment of history, which will look back to the peace-makers of 1872 as having deserved well, not only of their own countries, but of the world.

Forty years have passed since the settlement of the *Alabama* dispute by the Geneva Award.

The U.S.A. as a world-power They have witnessed the emergence of the United States into the arena as a world-power, the equipment by her

of a powerful fleet, and a war with Spain resulting in the wresting from that former mistress of the West of her possessions of Cuba, Porto Rico, and the Philippines. In 1878 and 1884 coaling-stations were secured by the United States in Samoa and Hawaii. All these were symptoms of a more vigorous activity in relation to foreign affairs; an advance regarded by some as inevitable, though regretted by many of the best elements among the American people. The inauguration of Grover Cleveland as President in 1885 marked the end of the long tenure of power by the Republican Party. Soon after his inauguration President Cleveland declared against United States ownership of the Panama Canal, affirming that it "must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single Power, nor become a

point of invitation for hostilities or a prize for warlike ambition.”¹ This view, however, has not been maintained by subsequent administrations.

In 1886 the long-standing fisheries disputes between the United States and Great Britain were revived and began to threaten serious mischief. Since 1783 they had never been properly settled, and the compromise of 1818, the Reciprocity Treaty of 1854, and the fishery clauses of the Treaty of Washington of May 8th, 1871, had all failed to bring the quarrel to a close. The seizure of American fishing vessels in Nova Scotian waters, in 1886, led to an unpleasant situation, which it was endeavoured to bring to an end by the Bayard-Chamberlain Treaty of February 15th, 1888. The Senate, however, refused to accept the treaty. In 1889 President Harrison succeeded Grover Cleveland at the White House, and the revived interest of Americans in foreign affairs was again shown. On June 4th, 1889, a *condominium* of the United States, Great Britain, and Germany was established in Samoa—an arrangement which did not prove successful and was abandoned ten years later.

In 1889 the disputes between England and the United States with regard to fur-sealing in the Behring Sea grew acute. State-Secretary Blaine defended the capture of Canadian sealers in dispatches not lacking in vigour. Eventually, however, the pacific temper in the two countries triumphed, and the dispute was referred to arbitration in 1892. The arbitrators

The Behring
Sea
arbitration

¹ “Cambridge Modern History,” vii. p. 656.

drew up a new code of regulations for the fur-sealing industry, and in 1898 the British owners of the vessels which had been seized were granted compensation.

The second administration of President Cleveland, which began in 1893, was made memorable by the

The Venezuelan Incident. The two-centuries-old dispute as to the boundaries of the former Dutch and Spanish settlements in Guiana had descended in due course, with the possession of these territories, to the Governments of Great Britain and Venezuela. An attempt by Lord Aberdeen in 1844 to fix a boundary-line was fruitless; and after the Venezuelans had, in 1876, altered their minds, and expressed their willingness to accept this offer, Lord Granville advanced a new proposal for a line farther west. In the course of subsequent negotiations, Venezuela invoked the protective aid of the United States—on the ground of the Monroe Doctrine—against what it alleged to be the territorial rapacity of Great Britain. In July 1895 State-Secretary Olney made a formal request to the British Government to submit the whole dispute to arbitration. Lord Salisbury replied, refusing unrestricted arbitration, and questioning the authority of the Monroe Doctrine. An atmosphere of extreme hostility to this country was at once produced in America by several hasty speeches by influential men. “He” (the British lion), said one of these orators, “is a prowler in search of prey, which is land—land anywhere, everywhere—land to convert the present

boast of possessing one-third of the earth's surface into one of holding one-half, and then two-thirds—land, more land, to extend the tribute to be paid the British Crown indefinitely.”¹ A peremptory message from President Cleveland, announcing the formation of an American Commission of Investigation, asserted that it would be the duty of the United States “to resist by every means in its power, as a wilful aggression upon its rights and interests, the appropriation by Great Britain of any lands, or the exercise of governmental jurisdiction over any territory which, after investigation, we have determined of right belongs to Venezuela.”

It was apparent alike from the tenour and temper of this Message, that the two kindred countries were fast drifting towards a state of war. Peace forces Excitement rose high, and had there mobilised been no countervailing forces at work a collision would with difficulty have been avoided. But the world in 1896 was different from that of a century before. There were still influential and loud-tongued “war hawks” in both countries, eager to hurl insults and challenges at each other across the Atlantic; but the new conditions were fatal to the success of their clamour. The great mass of solid character and intellect, both in America and England, stood aghast when it was realised that there was imminent a stupendous and fratricidal conflict over a petty boundary dispute which was scarcely worth the bones of a grenadier. The pervading ties of a common race, language and religion began quietly to be realised.

¹ “The United States and Great Britain,” Putnam’s, 1896, pp. 13, 14.

The peace party in England was no longer a mere coterie; and pulpit, press, and platform urged the duty of a friendly settlement. In America, too, powerful forces were at work on behalf of reason and moderation. One writer pointed out to his countrymen that Great Britain had given liberty and justice to her colonies, and freedom of trade to all the world throughout the whole extent of her vast possessions; that she had been foremost in the warfare against slavery, the champion of struggling nationalities, the harbinger of civilisation, the tutor and guide of backward peoples, the strong foe of tyranny and oppression. Even in Venezuela she had been concerned chiefly in securing for all nations as well as herself the free commercial use of the Orinocco, which one of the feeblest of governments was desirous of closing to the world. "Wherever England's sovereignty has gone," declared this brave pleader for peace,¹ "two blades of grass have grown up where one grew before. Her flag, wherever it has been advanced, has benefited the country over which it floats, and has carried with it civilisation, the Christian religion, order, justice, and prosperity. . . The United States now stands at the parting of the ways. Shall she by antagonism with England bring about for herself a national isolation, with the inevitable result of dwarfing the intellectual and industrial energies of her people; or by strengthening the bonds of peace and friendship

¹ David A. Wells. See "America and Europe," Putnam's, 1896, pp. 60, etc.

with England, unite the two foremost and most progressive nations of the world for the joint-attainment of those results that constitute national greatness ? ”

These considerations, backed by forces sufficiently resolute to win them a hearing, began to prevail with American opinion ; whilst in England Arbitration treaty efforts it was made clear that the country would not carry such a dispute to the point of war. President Cleveland’s Commission itself invited the friendly co-operation of Great Britain and Venezuela in obtaining evidence ; but before its labours had been concluded an arbitration had been agreed upon by the two Governments. The result of the arbitration was decidedly favourable to the British claims, and the source of dissension was peacefully removed. Warned by the crisis, the friends of peace strove to avert any repetition by the drafting of a General Arbitration Treaty between England and the United States. Such a treaty was actually signed by Secretary Olney and Sir Julian Pauncefote on January 11th, 1897, but it failed to secure the necessary two-thirds majority in the Senate, and was, for the time being, lost. A resolute body of opinion had been created, however, in both countries, in favour of such a final bulwark against the perils of future diplomatic quarrels.

On April 4th, 1908, a General Arbitration Treaty between the two countries was successfully concluded at Washington,¹ for a period of five years. It

¹ See Cd. 4870 of 1909. Ratifications were exchanged on June 4th, 1908.

provided for the reference to the Court of Arbitration at the Hague of differences of a legal nature

The Treaty of 1908 relating to the interpretation of treaties, a special agreement to be made in each case defining the powers of the arbitrators, etc. Such an agreement was made in 1909 in relation to the question of American fishing-rights off the North Atlantic coast, and the tribunal sat at The Hague in 1910 and speedily decided the case. The 1908 Arbitration Treaty had, however, two radical vices, for it excepted from its purview, firstly "questions of honour," secondly "questions of vital interest." As all serious disputes are capable of being brought within these categories, the treaty was at best but a partial and lame application of the arbitral principle.

In 1910 a new hope dawned upon the world. In May and December of that year two remarkable

President Taft and the 1911 treaty declarations were made by President Taft, sketching out—to quote the words of the British Foreign Secretary¹—

"a step in advance in arbitration more momentous than anything that any practical statesman in his position has ventured to say before—pregnant with consequences very far-reaching."

The first declaration was in the following terms :—

"Personally I do not see any reason why matters of national honour should not be referred to Courts of Arbitration as matters of private or national property are. I know that is going further than most men are willing to go, but I do not see why

¹ Sir Edward Grey in the House of Commons, March 13th, 1911.

questions of honour should not be submitted to tribunals composed of men of honour, who understand questions of national honour, and abide by their decision as well as any other questions of difference arising between nations."

The second declaration, made in an address to the American Society for the Judicial Settlement of International Disputes, on December 17th, 1910, was as follows :—

" If we can negotiate and put through agreements with some other nations to abide by the adjudication of International Arbitration Courts in every issue which cannot be settled by negotiation, no matter what it involves, whether honour, territory, or money, we should have made a long step forward by demonstrating that it is possible for two nations at least to establish between them the same system which through the process of law has existed between two individuals under a Government."

These pronouncements, containing ideas so familiar as to be almost trite in the mind of the philosopher, created a sensation in both hemispheres when they fell from the lips of the chief executive officer of one of the great modern world-States. In England they were hailed with acclamation by leaders of both political parties. At a memorable meeting at the Guildhall, on April 28th, 1911, the Premier, Mr Asquith, spoke with enthusiasm of the new departure as " the most signal victory in our time in the international sphere of the power of reason and the sense of brotherhood." Mr Balfour acknowledged his belief that " the great mass of public opinion

of all classes and of both countries is in favour of it, and that therefore if the skill of statesmen and diplomatists is indeed able to embody it in the formula of a treaty, there is no danger that either of the two great contracting parties in moments of stress, temptation, and difficulty will endeavour to break away from it."

On August 3rd, 1911, a General Arbitration Treaty, embodying these high ideals, was signed at Washington by Senator Knox and Mr James Bryce, the respective Plenipotentiaries of the United States and Great Britain, and a similar treaty was drafted between the United States and France. For the full text of this remarkable document the reader must be referred to the Appendix, but it is necessary here to note one or two of its salient features, and to narrate the reception with which it met.

The preamble to the treaty was couched in striking terms. It referred to the unbroken peace between the two peoples which had lasted since the signing of the Treaty of Ghent in 1814, and the constant recourse to arbitration in recent years, "so that now for the first time there are no important questions of difference outstanding between them." The two parties were "resolved that no future differences shall be a cause of hostilities," and so they were determined to conclude a treaty extending the scope of the Arbitration Treaty of 1908 "so as to exclude certain exceptions" and to "provide means for the peaceful solution of *all* questions of difference which it shall be found impossible in

future to settle by diplomacy." Clause I. therefore, in the spirit of this declaration, stated that "all differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the High Contracting Parties are concerned, by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law and equity, shall be submitted to the Permanent Court of Arbitration" at the Hague, or to some other arbitral tribunal agreed upon.

Here, at length, was the incorporation of the full principle of arbitration in a treaty by States of first-class importance—truly a fitting climax to a century of strenuous effort towards international appeasement. Mutilation of
the Treaty by
the Senate

Alas! the victory was not to come so soon. There was the Foreign Relations Committee of the Senate still to be reckoned with before the treaty could secure ratification; and when it emerged from out that valley of humiliation, it was with bowed crest and mutilated limbs. The decisive word "*shall*" in Clause I. was altered to "*may*"; and a list of exceptions to the scope of the clause¹ was inserted which reduced the treaty at a stroke to the customary level of cautious and timid diplomatic instruments. It was a grave disappointment.

"We know from the *Federalist*," writes an eminent

¹ These are fully set out in the Appendix.

English international lawyer, Sir John Macdonell, "the reason why the authors of the American Constitution, deviating as to this point from the model which they had before their eyes, did not entrust the Executive with complete power as to the negotiating of treaties with foreign States. Hamilton explains that the Senate was invested with the right of confirmation because he feared that if the Executive were unchecked in this matter, the power might be used by some President for other than truly national ends. As a humble but diligent student of Hamilton's works, I take leave to think that he would have been amazed if he had been told that this power, inserted in the Constitution to prevent difficulties with foreign States and entangling alliances leading to war, might one day be used to defeat attempts to avert the greatest of all national calamities."

This much, in addition, may be said: if the Senate, in blighting this fair hope of human advancement, misrepresented the true feeling and desire of the American people, the natural forces of democracy in the great Republic may be trusted to assert themselves against this privileged tribunal, and in due course to reverse its edicts. If, on the other hand, the Senate reflected, but too faithfully, the still dominant fears or prejudices of a majority of their countrymen, it was well that the friends of peace should be thus reminded that there were processes of education still to be completed before the fruition of their hopes could be reached. In either event, the work of President Taft and Mr

Bryce and Mr Knox, and of all the men of goodwill in both countries who welcomed their lofty effort, was not in vain. It is possible for a treaty, though not on the statute-book, to remain a living force—a Grand Remonstrance against the futilities of the Old Order, and a persuasive witness in favour of a new and better state of international relations. Such pronouncements are not easily forgotten. They constitute a Confession of Faith—nay better, a Rule of Life—which, though rejected to-day, will win acceptance to-morrow and bring to the peoples healing and redemption. Meantime, the glorious record of a century of peace between these two peoples stands ; a fact more potent than much argument, of more worth, perhaps, than many treaties.

The same hesitancies as to policy, the same transitional state of public opinion, the same conflict between the old and new orders of ideas, appear in the recent history of the “ Panama Canal Question ”—a question still undecided at the time these pages were written. The Panama Canal, which one French company, under the inspiration of Ferdinand de Lesseps, commenced to dig in 1879, and another and richer French company endeavoured to continue ten years later, became since the last decade of the nineteenth century, the herculean task of the United States, whose vast resources have proved fully equal to this mighty feat of scientific and mechanical skill. This ribbon of water, fifty miles long, connecting the Atlantic and Pacific oceans

through the isthmus of Panama, will profoundly modify the worth of pre-existing ocean routes. Direct access from Central America into the mid-Pacific, saving the long and difficult voyage round Cape Horn, will disturb many existing commercial arrangements, and has already begun to create new and serious political difficulties. We are concerned here solely with the influence of this "new fact" upon Anglo-American relations. The American people need not be blamed for the indecision, and even inconsistency, which appear to have characterised their views of the political future of this great new highway of the nations. As has been seen, President Cleveland was averse to American ownership of the canal, and a considerable body of enlightened American opinion has from the first advocated its neutralization. It was perhaps too much to expect that, after its grim struggle in the Canal zone with disease and death, and an expenditure exceeding £100,000,000, the United States would prove more self-denying than probably any of her critics would have been who had made such sacrifices for the benefit of the whole world as well as for their own profit. It would, indeed, have been a noble object-lesson to mankind had American public opinion risen to the conception of a disarmed and neutralised Panama Canal to the south of her dominions; a spectacle exceeding in grandeur even the fine record of her unarmed frontier in the north. But which of the Great Powers, armed to the teeth in their defence of "peace," and ever anxious to score a strategic point against either

rivals or confederates, has the right to criticise the decision actually taken? This point may be left to the judgment and experience of posterity, which will find it easier, perchance, to reconcile neutrality and disarmament with "national greatness" than appears possible to our generation.

There remains the question between Great Britain and the United States respecting the obligations of honour arising from the terms of the Hay-Pauncefote Treaty, article III. of which provided that

The Canal
Act and the
Hay-Pauncefote Treaty

"The Canal shall be free and open to the vessels of commerce and war of all nations observing these rules, *on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens, or subjects, in respect of the conditions or charges of traffic or otherwise.*" The Panama Canal Bill, which passed through the United States Senate on 9th August 1912, contained in its final form, a provision freeing United States vessels engaged in coastwise traffic from the tolls which would fall upon all other ships using the canal, and another clause prohibiting the passage of the canal to vessels owned by railway companies. It was urged by British and European critics, and by many influential publicists in the United States, that the exemption of American coastwise traffic from tolls was a discrimination against foreign (and particularly British) shipping, and in direct contravention of the Hay-Pauncefote Treaty. Mr Taft and the majority of the Senate in 1912, on the other hand, contended that the American

coastwise traffic, which was reserved wholly to American vessels before the passing of the Canal Act, did not come within the purview of the Hay-Pauncefote Treaty. It would be improper, writing while Mr Taft's administration is nearing its end, before the Canal is opened, and while the controversy is still, so far as the American public are concerned, *sub judice*, to enter into a discussion of the merits of the question in a work of this kind. A demand has already been made, and by none more vehemently than by leading American journals and public men,¹ for the reference of the question to the arbitration of the Hague Court. It will be a fitting conclusion to a century of pacific triumphs if this request is granted by the new Executive of the American nation. As was indicated at the commencement of this chapter, the United States and Great Britain have been the foremost friends of the principle of international arbitration—ever since the time of Jay's Treaty, in 1794. It is not to be thought that a dispute of this kind, relating to the interpretation of a treaty, should be allowed to cloud the promise of the approaching completion

¹ Senator Elihu Root, *e.g.* speaking before the New York Chamber of Commerce, on 21 Nov. 1912 said: "that if the Government refused to accept arbitration on Great Britain's protest, the United States would be in a position of a merchant who is known to all the world as false to his promises. We should stand in the light of our multitude of declarations for arbitration and peace as discredited and dishonoured hypocrites, with the fair name of America blackened, with our self-respect gone, with the influence of America for advancement along the pathway of progress and civilisation annulled, dishonoured, and disgraced.

"No true American can fail to raise his voice and influence upon such a question for his country's honour."

of a Hundred Years' Peace among English-speaking peoples.

The story of Anglo-American relations which we have outlined in the preceding pages is a chequered, but, on the whole, an encouraging one. The outstanding fact is Summary and results that for a century the two richest, most progressive, and most powerful nations in the world have succeeded in settling their disputes by peaceful means, and that their mutual respect has ripened steadily into friendship.

We may deduce this moral from their intercourse : that whilst blood-relationship has not availed to avert war when their several interests and sympathies were brought into conflict, it has strengthened the bonds of peace between them as soon as the councils of reason and moderation began to prevail. All war, properly regarded, is an outrage against divine, and even human law ; but there is a peculiar feeling of horror and revolt at the spectacle of bloodshed amongst kinsmen. We need not rest too much upon this hypothesis ; for the mingling of the Western nations has given to most of them ties of origin and blood which might have been expected—in this point of view—to have abated the rancour of their mutual hostility, but which have not so availed. Our Anglo-Saxon forefathers came hither from the lands about the Weser and the Elbe, and the historian Green salutes as “ Old England ” the territory which now, we are told, is peopled by our steadfast enemies ! Probably it is the kinship of language, institutions, and ideals

that is the decisive factor in international friendship, rather than that of physical origins. Material interests count for something, doubtless, but not for so much as is sometimes reckoned—for Germany is a better customer of our trade than even the United States. Then it must be remembered that both England and America have reached, in their political development, a comparatively advanced stage in which State policy can always be influenced and sometimes controlled by enlightened public opinion. Here we probably get near the heart of the matter. Given two democracies, speaking the same language, familiar with the same literature, having frequent and easy commercial and social intercourse with one another, and above all, able when they choose to make their will avail with the governing classes to whom they delegate their authority, it would be strange if they could not rise above the selfish futilities of bureaucratic foreign policy, and strike up a formula of concord which they knew to be in the common interest of all. The peoples of the world bear no natural enmity to one another. They are willing to live and let live—if their rulers will give them the chance. If a few diplomatists, press incendiaries, and “armour-plate patriots” were “sent to the front” on the outbreak of every war, we might probably, argue some, hear less of war’s alarms. However that may be, modern democracy appears to be aware that its social and economic aspirations stand a better chance of being realised by means of a pacific and moderate, rather than by a “spirited” and aggressive

foreign policy. To put it no higher, they know that arbitration and peace are "better business" for the common people than the waste, loss, and reaction set up by war. Capable of great follies when led astray by a powerful demagogue, or drugged into insensibility by repeated doses of malicious partizanship, the heart of the democracy beats true, on the whole, to the principles of freedom, justice, and peace. The American and English people have gone through a long course of trying and disciplinary experience, and it cannot be denied that they have come well out of the ordeal.

To interpret, then, the achievement of Anglo-American friendship in too narrowly racial a way is to miss its chief significance, and, indeed, to endanger its continuance and menace the larger peace of the world—of which it ought to be a prophecy. We shall do wisely to read it in its broadest and deepest meaning, and to use it neither as a vaunt of racial superiority nor as a threat of racial predominance. No thinker either expects or wants a world "run" solely according to Anglo-Saxon ideas, or for the benefit of the Anglo-Saxon peoples. There are "diversities of gifts" amongst nations as well as individuals. The "feeble" members of the body are necessary, as well as those more honoured. Who are we that we should divide or make schism amongst the members of the body that have been tempered together? The best results will surely come "according to the working in due measure of each several part."

With these reservations and within these limits,

the bonds of kinship between Great Britain and the United States should be esteemed as of priceless worth both to the two nations and to the world ; and people of goodwill should do everything in their power to strengthen and confirm them. Of what untold benefit it has been to the Canadian Dominion that she has been saved from the alarms of war for the first century of her marvellous up-building ! Looking back at the results of the war of 1812, or to the horrors of the mid-century struggle between North and South, can it be said that the gain of peace has been any less to the great American Republic ? To have friendship, instead of suspicion and enmity, along a frontier of 3000 miles ; to be spared the burdens and provocations of a rivalry in armaments, and to be allowed to develop the resources of their great territories free from the distracting resentments and cabals of old-world diplomacy ; above all, to vindicate before the world the capacity of progressive governments to flourish and abound without war, and to maintain intact their honour and interests without arms ;—these have been triumphs of civilisation which bring hope to the heart of mankind, and the promise of a new and better international economy than the “ armed peace ” or the “ balance of power.”

Great Britain, in losing her empire over the American Colonies, launched on its career a vigorous young nation endowed with some of the choicest elements in her own character and the best fruits of her own ripe experience. Nothing can rob her of the pride of having been nursing-mother

of both American and Canadian nationalities. The best Americans will continue, with pious gratitude, to visit the homes of William Shakespeare and Cromwell and Milton, and Bunyan and Penn, and to tread with reverent footsteps the floors of Westminster Abbey and the Mother of Parliaments. The best Englishmen will yield a willing tribute of admiration to the nobility of Washington, the character of Lincoln, and the greatness of the Republic. The best Canadians will echo the prayer of Sir Wilfred Laurier,¹ that between the United States and Canada there may be "no other rivalry than generous emulation in the arts of peace." Within their own borders these great nations have achieved a blending of the peoples which cancels many of the old racial antagonisms. Forgetting the things that are behind, French and English in the great Dominion, all nations in the great Republic, have combined to their mutual profit and ease in a common citizenship. None have written of the futility and wickedness of war, of its waste and its shame, with more caustic humour than Lowell, with more simple force than Longfellow, with more pathos than Whittier, with more philosophic insight and prophetic fire than Emerson. American statesmen and men of business are proving themselves not unwilling or unable "to live up to the height of this great argument." If, "with malice towards none, with charity for all," Great Britain, the United States, and Canada continue to tread with faith and courage the path

¹ In the House of Commons at Ottawa, 7th March 1911.

of peace which they have trodden through all obstacles and perils for a hundred years, they will shatter the illusion that the life of nations is to be for ever a phantasmagoria of strife and hatred and blighted hopes. Warned by the experience of the perils they have encountered, encouraged by the harmony of sentiment and interest which they have achieved, let them advance side by side to even greater conquests of peace, which shall make the whole world their debtor, and history their eulogist.

APPENDIX

THE GENERAL ARBITRATION TREATY OF 1911 BETWEEN GREAT BRITAIN AND THE UNITED STATES ; WITH THE SENATE'S AMENDMENTS.

[The following is the text (Senate Document, No. 476, 62nd Congress, 2nd Session) of the famous "all in" Arbitration Treaty signed by Messrs Bryce and Knox on 3rd August 1911. On the following day, President Taft submitted it, along with a similar treaty with France, to the Senate. In the same month, the Senate Committee on Foreign Relations presented a majority report recommending that the treaty be amended by striking out the last paragraph of Article III., and making an important verbal change in Article I. Minority reports were presented opposing the elimination of the paragraph in question. On 7th March 1912, the Senate ratified the Treaties with these amendments, however, and with a further radical limitation in the resolution of ratification. In the following text the parts struck out by the Senate are enclosed in heavy brackets, and the parts added are printed in italics.]

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two nations, as established in 1814 by the Treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for; so that now for the first time there are no important questions of difference outstanding between them, and being resolved that

no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship ;

The High Contracting Parties have, therefore, determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective Plenipotentiaries :

The President of the United States of America, the Honourable Philander C. Knox, Secretary of State of the United States ; and

His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington ;

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles :

ARTICLE I

All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity shall be submitted to the Permanent Court of Arbitration established at the Hague by the Convention of October 18, 1907, or to some other arbitral tribunal, as [shall] *may* be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at the Second Peace Conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such Convention, shall govern the arbitration proceedings to be taken under this Treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE II

The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I; provided however that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either Party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided,

each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission of Inquiry for the purposes of such reference ; or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at the Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

ARTICLE III

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry ; and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.]

ARTICLE IV

The Commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty ; and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned and to provide for the issue of subpoenas and for compelling the attendance of witnesses in the proceedings before the Commission.

On the inquiry both sides must be heard, and each Party is entitled to appoint an Agent, whose duty it shall be to represent his Government before the Commission and to present to the Commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the Commission.

ARTICLE V

The Commission shall meet whenever called upon to make an examination and report under the terms of this Treaty, and the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and British sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and

personal expenses of the Commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

ARTICLE VI

This Treaty shall supersede the Arbitration Treaty concluded between the High Contracting Parties on April 4, 1908, but all agreements, awards, and proceedings under that Treaty shall continue in force and effect, and this Treaty shall not affect in any way the provisions of the Treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE VII

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by twenty-four months' written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the third day of August, in the year of our Lord one thousand nine hundred and eleven.

[SEAL.]

PHILANDER C. KNOX.

[SEAL.]

JAMES BRYCE.

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the treaty does not authorise the submission to arbitration of any question which affects the admission

of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

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